

Kirkpatrick
Loudermilk

Serrano
Simpson

Torres (CA)
Walker

Hudson
Huffman
Huizenga
Hurd (TX)
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (LA)
Johnson (SD)
Johnson (TX)
Jordan
Joyce (OH)
Joyce (PA)

Kaptur
Katko
Keating
Keller
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kildee
Kilmer
Kim
King (NY)
Kinzinger
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
LaHood
Lamb
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Lesko
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Long
Lowenthal
Lowe y
Lucas
Luetkemeyer
Luján
Luria
Lynch
Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Marchant
Marshall
Matsui
McAdams
McBath
McCarthy
McCaul
McCollum
McEachin
McGovern
McHenry
McKinley

Murphy (FL)
Murphy (NC)
Napolitano
Neal
Neguse
Newhouse
Norcross
O'Halleran
Ocasio-Cortez
Olson
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Pence
Perlmutter
Peters
Peterson
Phillips
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Reed
Reschenthaler
Rice (NY)
Richmond
Riggleman
Roby
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rooney (FL)
Rose (NY)
Rose, John W.
Rouda
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Rutherford
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schriener
Schweikert
Scott (VA)
Scott, Austin
Scott, David

Abraham
Allen
Amash
Babin
Biggs
Brooks (AL)
Burgess
Cline
Cloud
Comer
Duncan
Gaetz
Gohmert
Gooden

Brady
Buchanan
Buck
Byrne
Carter (TX)
Crawford
Fitzpatrick

McNerney
Meadows
Meeks
Meng
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Moore
Morelle
Moulton
Mucarsel-Powell
Mullin
Murphy (FL)
Murphy (NC)
Napolitano
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Norcross
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Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schriener
Schweikert
Scott (VA)
Scott, Austin
Scott, David

Sensenbrenner
Sewell (AL)
Shalala
Sherman
Sherrill
Shimkus
Sires
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
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Spanberger
Spano
Speier
Stanton
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Stefanik
Steil
Steube
Stevens
Stewart
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Suo zzi
Swalwell (CA)
Takano
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Timmons
Tipton
Titus
Pocan
Tlaib
Tonko
Torres (CA)
Torres Small
(NM)
Trahan
Trone
Turner
Underwood
Upton
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Waltz
Wasserman
Schultz
Waters
Watkins
Watson Coleman
Welch
Wenstrup
Wexton
Wild
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Zeldin

Palmer
Perry
Posey
Ratcliffe
Rice (SC)
Roy
Scalise
Weber (TX)
Webster (FL)
Westerman
Wright
Yoho
Young

Gosar
Green (TN)
Griffith
Harris
Hice (GA)
Higgins (LA)
King (IA)
LaMalfa
Massie
Mast
McClintock
Norman
Nunes
Palazzo

Granger
Grijalva
Hunter
Johnson (OH)
Kind
Kirkpatrick
Loudermilk

□ 1810

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. KIRKPATRICK. Madam Speaker, I was absent today due to a medical emergency. Had I been present, I would have voted: "yea" on rollcall No. 5, "yea" on rollcall No. 6, "yea" on rollcall No. 7, and "yea" on rollcall No. 8.

PFAS ACTION ACT OF 2019

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 535.

The SPEAKER pro tempore (Ms. WILD). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 779 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 535.

The Chair appoints the gentleman from Michigan (Mr. KILDEE) to preside over the Committee of the Whole.

□ 1816

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the 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, with Mr. KILDEE in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and amendments specified in the first section of House Resolution 779 and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. SHIMKUS) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 535, the PFAS Action Act of 2019, is a comprehensive package of strategies to regulate PFAS chemicals, clean up contamination, and protect public health.

PFAS are an urgent threat to public health. They are toxic, persistent, and being found in the environment across

□ 1801

Mr. CRENSHAW changed his vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRISON TO PROPRIETORSHIP ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5078) to amend the Small Business Act to provide re-entry entrepreneurship counseling and training services for incarcerated individuals, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 41, not voting 19, as follows:

[Roll No. 8]
YEAS—370

Adams
Aderholt
Aguilar
Allred
Amodei
Armstrong
Arrington
Axne
Bacon
Baird
Balderson
Banks
Barr
Barragán
Bass
Beatty
Bera
Bergman
Beyer
Bilirakis
Bishop (GA)
Bishop (NC)
Bishop (UT)
Blumenauer
Blunt Rochester
Bonamici
Bost
Boyle, Brendan
F.
Brindisi
Brooks (IN)
Brown (MD)
Brownley (CA)
Bucshon
Budd
Burchett
Bustos
Butterfield
Calvert
Carbajal
Cárdenas
Carson (IN)
Carter (GA)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chabot
Cheney
Chu, Judy

Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cohen
Cole
Collins (GA)
Conaway
Connolly
Cook
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crenshaw
Crist
Crow
Cuellar
Cunningham
Curtis
Davids (KS)
Davidson (OH)
Davis (CA)
Davis, Danny K.
Davis, Rodney
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
DesJarlais
Deutch
Díaz-Balart
Dingell
Doggett
Doyle, Michael
F.
Dunn
Emmer
Engel
Escobar
Eshoo
Españillat

Estes
Evans
Ferguson
Finkenauer
Fleischmann
Fletcher
Flores
Fortenberry
Foster
Fox (NC)
Frankel
Fudge
Fulcher
Gabbard
Gallagher
Gallego
Garamendi
García (IL)
García (TX)
Gianforte
Gibbs
Golden
Gomez
Gonzalez (OH)
Gonzalez (TX)
Gottheimer
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al (TX)
Grothman
Guest
Guthrie
Haaland
Hagedorn
Harder (CA)
Hartzler
Hastings
Hayes
Heck
Hern, Kevin
Herrera Beutler
Higgins (NY)
Hill (AR)
Himes
Holding
Hollingsworth
Horn, Kendra S.
Horsford
Houlihan
Hoyer

Abraham
Allen
Amash
Babin
Biggs
Brooks (AL)
Burgess
Cline
Cloud
Comer
Duncan
Gaetz
Gohmert
Gooden

Brady
Buchanan
Buck
Byrne
Carter (TX)
Crawford
Fitzpatrick

NAYS—41

Gosar
Green (TN)
Griffith
Harris
Hice (GA)
Higgins (LA)
King (IA)
LaMalfa
Massie
Mast
McClintock
Norman
Nunes
Palazzo

NOT VOTING—19

Granger
Grijalva
Hunter
Johnson (OH)
Kind
Kirkpatrick
Loudermilk

Sensenbrenner
Sewell (AL)
Shalala
Sherman
Sherrill
Shimkus
Sires
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Soto
Spanberger
Spano
Speier
Stanton
Staubert
Stefanik
Steil
Steube
Stevens
Stewart
Stivers
Suo zzi
Swalwell (CA)
Takano
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Timmons
Tipton
Titus
Pocan
Tlaib
Tonko
Torres (CA)
Torres Small
(NM)
Trahan
Trone
Turner
Underwood
Upton
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Waltz
Wasserman
Schultz
Waters
Watkins
Watson Coleman
Welch
Wenstrup
Wexton
Wild
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Zeldin

Palmer
Perry
Posey
Ratcliffe
Rice (SC)
Roy
Scalise
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Webster (FL)
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Grijalva
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Johnson (OH)
Kind
Kirkpatrick
Loudermilk

the country. These “forever chemicals” have long been linked with adverse health effects, including cancer, immune system effects, infertility, impaired child development, high cholesterol, and thyroid disease.

Mr. Chairman, the EPA has known about these risks for decades and has allowed this contamination to spread.

Last year, EPA announced its PFAS Action Plan. It was woefully inadequate, and since that time, we have learned that EPA is not even keeping the weak commitments it made in that plan. The EPA failed to meet key end-of-the-year 2019 deadlines. It failed to produce a regulatory determination for drinking water. It failed to produce hazard determinations for chemicals under Superfund. It failed to initiate reporting under the Toxics Release Inventory.

The Trump administration is failing hundreds of impacted communities, and Congress must act for communities like Hoosick Falls, New York; Parchment, Michigan; Parkersburg, West Virginia; and far too many more.

We need to act on behalf of States like my own State of New Jersey that are doing everything they can—adopting protective State drinking water standards and pursuing natural resource damage cases—but facing strong opposition from Federal agencies under the Trump administration.

There have been over 500 detections of PFAS in drinking water and groundwater sources in New Jersey, and this is simply unacceptable, Mr. Chairman.

It is time for Congress to take action and use every tool available to stop the flow of PFAS pollution into our environment and our bodies. That is exactly what the PFAS Action Act does.

This bill requires EPA to immediately designate two PFAS chemicals as hazardous substances under Superfund, the two most studied of the PFAS chemicals. EPA committed to make this designation in their action plan last year but has failed to fulfill that promise.

The legislation requires that, over a 5-year period, EPA reviews all other PFAS chemicals and decide whether to list them under Superfund. During that 5 years, the bill will require comprehensive health testing of all PFAS chemicals.

This is a really important point. You may hear my colleagues talk today about the need to base decisions on science, and this bill will generate that science. The two chemicals will be regulated upfront because we already have the science on them. Other PFAS will be regulated if, over the next 5 years, the science concludes that they are hazardous.

The bill also includes a moratorium on any new PFAS during that same 5-year period. This will provide EPA the time it needs to ensure it has enough science to really evaluate new PFAS.

H.R. 535 also requires a drinking water standard that will cover at least the two chemicals and others at EPA’s

discretion. Importantly, the drinking water standard will have to protect public health, including the health of vulnerable populations such as pregnant women, infants, and children. Because treating drinking water to remove PFAS is expensive, the bill includes grants for water utilities.

Mr. Chairman, this bill includes a voluntary PFAS-free label for cookware, which may be expanded through amendments to include additional categories of consumer products. This label will empower consumers to take steps to protect themselves from exposure to PFAS.

The bill requires guidance for first responders, to help them minimize their exposure to PFAS chemicals. This is important because PFAS is commonly found in firefighting foams.

Taken together, this is a serious, comprehensive, and reasonable bill that should garner strong bipartisan support. I urge my colleagues to support this bill.

I thank Chairman TONKO for all that he did to put this package together and, of course, the sponsor of the package, Mrs. DINGELL from Michigan, who has faced so many problems in your home State, Mr. Chairman, where Mrs. DINGELL is also very involved.

The bill includes a number of pieces of legislation before our committee by members of the Energy and Commerce Committee, as well as other Members of this body.

Mr. Chairman, I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, January 6, 2020.

Hon. FRANK PALLONE,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN PALLONE: I write concerning H.R. 535, the PFAS Action Act of 2019. There are certain provisions in this legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 535, the Committee on Transportation and Infrastructure agrees to forgo action on the bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee’s Rule X jurisdiction. I also request that you urge the Speaker to name members of this Committee to any conference committee which is named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the Congressional Record during consideration of H.R. 535 on the House floor.

Sincerely,

PETER A. DEFAZIO,
Chair.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 6, 2020.

Hon. PETER A. DEFAZIO,
*Chairman, Committee on Transportation and
Infrastructure, Washington, DC.*

DEAR CHAIRMAN DEFAZIO: Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 535, the PFAS Action Act of 2019, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I agree that your Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues within your jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees from your Committee to any House-Senate conference on this legislation.

I will place our letters on H.R. 535 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, Jr.,
Chairman.

Mr. SHIMKUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many Members on both sides of the aisle have worked hard to understand and address the issues related to per- and polyfluorinated compounds. While I oppose H.R. 535 for both policy and practical reasons, I commend all of my colleagues who have been engaged on this issue.

Before I go into some of the more concerning aspects of this legislation, I think it is instructive to highlight a few facts.

PFAS is not just one or two chemicals. According to the EPA, this class of chemicals includes more than 5,000 different substances with different properties, applications, and risks. In fact, EPA’s master list of PFAS on its website includes 7,866 derivations.

EPA does not have health effects data on the vast majority of PFAS. In fact, EPA recently announced scientifically valid methods—that means you are able to test to determine what it is—for just 29 of these 7,866. We don’t have the capability even to understand if it is present because we don’t have the capability even to identify them.

EPA has actively engaged in a PFAS action program involving many disciplines across the agency. I recently talked to the Administrator to urge him to move as quickly as possible with multiple action items and timelines.

Now, enter this bill, H.R. 535. This legislation requires aggressive regulatory responses to this diverse class of man-made chemicals without regard to science or risk. This is an unprecedented way of conducting science and flies in the face of decades of U.S. environmental policy. In fact, we have

never legislatively banned a chemical in all the years since the Superfund, back in 1980.

To my colleagues who love to preach science on climate change, I hear you, but you cannot walk away from the science debate when it doesn't support your policy position. Let me say that again. For my Democratic friends who love to preach science, you can't walk away from the science debate on this and walk away from the fact that we need a scientific study of this. They are trying to have it both ways.

I know many of my Democratic colleagues think this bill is essential because they don't trust the EPA run by this President. I understand that is your call. But I would also ask you to think about the mandates you are placing on the Environmental Protection Agency, which will far outlast this administration. They will legally hamstring future ones from facing issues other than PFAS, whether it is lead or climate.

I mentioned that science-based decisions that have supported EPA's work for years are being jettisoned, but that is just one feature. The more long-range trouble includes the automatic designation of PFOS and PFOA as hazardous substances under the Superfund, which is called the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA.

This designation may be warranted, but under this bill, it would come without knowledge of who is responsible, where PFAS contamination is, how serious it is, and without any public comment.

In fact, my colleagues think that putting it in the Superfund is going to solve this problem and that they are going to be able to clean it up right away. Well, I have a list here of Superfund sites. The Superfund was set up in 1980. We have a site here that is still a Superfund site back to 1983.

So those of you who think, put it in the Superfund, and it is all going to be cleaned up, good luck. If you have dealt with this issue, it is not going to happen, probably, in your lifetime.

Don't get me started on the perverse strict, joint and several, and retroactive liability to releases of hazardous substances, a trial lawyer's bonanza.

We know the majority understands this is an issue because the rule executed provisions relieving airports from Superfund liability. Plus, the bill requires EPA to review all 7,864 PFAS in 5 years to determine without public comment whether they present a substantial danger.

We can't do 29 in 20 years. How are we going to do 7,866 chemicals in 5 years? It just can't be done.

While a Superfund designation for just PFOS and PFOA may seem reasonable, the reality is section 15 of H.R. 535 deems all PFAS as hazardous air pollutants under Clean Air Act section 112(b). This automatically makes the entire PFAS class hazardous under the Superfund law.

As I mentioned, innocent parties like drinking water utilities that just treated what they got from their source water are hostage to endless liability for cleanup, regardless of their personal contribution. In fact, I would argue they didn't make any contribution. Why not exclude the water districts from Superfund liability if they are just passthroughs? No, we are taking care of the airports, but we are not protecting municipal water systems, co-op water systems, and other sources of drinking water, and we are going to put additional mandates and costs on them.

I know communities with PFAS pollution want it cleaned up quickly, but nothing, as I said before, with CERCLA is fast. It is always more expensive than you think, and the stigma of the designation scars a community's economy and dampens its future prospects.

Other significant problems with this legislation include section 4, which places a commercial moratorium on new PFAS chemicals for 5 years, even though Federal law already prevents any unsafe chemical from entering the market until EPA scientifically reviews it and determines its safety. This delays cleaner, greener, and safer chemicals from coming on the market.

Let me repeat this. Existing law bans and bars any new chemical or new use of an existing chemical from going to the market unless EPA signs off on that and it meets a tough safety standard. This bill places an arbitrary ban on top of that review. Next-generation heart valves, car brakes, solar panels, and military equipment all will be stopped from coming to market because of this.

□ 1830

Section 3 creates an unrealistic mandate on EPA to require all manufacturers and processor testing of PFAS. This requirement overlaps one that companies send all their existing PFAS information to the EPA by 2023.

Regardless, why even bother doing real science when you have already made a decision based on political science? More practically, does EPA even have the resources to keep up with such a demand? We could have asked them had they been invited to testify on this legislation.

These are not minor concerns. They sparked opposition, especially in the Senate, and are the reason why these items were not included in the National Defense Authorization Act. If this process is making good law instead of messaging, I would urge my colleagues to keep that in mind when voting. We can do better.

Mr. Chair, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the ranking member of the full committee.

Mr. WALDEN. Mr. Chairman, I want to thank Mr. SHIMKUS for yielding to me. He has really poured his heart and soul into this issue and has worked very hard on it, is so knowledgeable about it. And he is spot on.

Tragically, there is no science here. The EPA was not allowed to testify here. This is a solution that will never become law. It completely overreaches.

You are going to hear from some of our Members, including Dr. BUCSHON, who is a heart surgeon, about the impact this could have on new technologies and devices that get implanted into people's hearts.

You will hear about automobiles and aircraft that use these very specialized chemicals and materials in their manufacturing processes that probably have nothing to do with what we are trying to fix here.

You will hear, and it is true, that this is the first time we are going to throw science out the window and make a political decision.

So, Mr. Speaker, I must rise in opposition to H.R. 535, the PFAS Action Act of 2020, and urge my colleagues, sadly, to do the same.

We all want a solution to the country's PFAS challenges. And while there is more work to be done, I would say, thanks to Mr. SHIMKUS and others, Congress has already acted to provide some funding for reducing PFAS in drinking water in rural and economically distressed areas.

We require the Federal Government to enter into cooperative cleanup agreements for Federal facilities with PFAS contamination.

But we all know more needs to be done.

Unfortunately, my friends on the other side of the aisle have chosen to go partisan with H.R. 535, and that is not the way to go, it is not the solution.

This follows two plays Democrats insist on running ad nauseam: putting politics over progress and pushing legislation that will never become law.

This was the playbook they ran in December when, sadly, they walked away from progress in protecting public health that resulted in two major missed opportunities.

First, we had the chance to mandate that the EPA establish a drinking water standard for PFOA and PFOS within 2 years. We had that opportunity to get it into law.

Second, we could have ensured immediate and mandatory cleanup of PFOA and PFOS at all Department of Defense facilities. We could have put that into law. We were in agreement except for Democrats here, and as a result, they wouldn't take yes for an answer, and we lost those opportunities.

But back to H.R. 535. This measure is packed with bad policy and unfortunately, or fortunately, is dead on arrival in the Senate.

Sadly, it delays much needed action to enact science-based solutions that protect our constituents. So this hurts Americans, it leaves our communities vulnerable, and it did not have to be this way.

During the Energy and Commerce Committee's consideration of H.R. 535, we had a very robust debate on this

bill. Mr. SHIMKUS offered a package of proposals that had bipartisan Senate support, and those all could have become law; in other words, a three-quarters agreement of the committees of jurisdiction.

These proposals were not the way he or I would have crafted them on our own, but we were willing to compromise, we were willing to reach across the aisle, we were willing to reach across the chamber to the Senate, because we wanted to be part of the solution.

Sadly, we are here today with a bill that, frankly, reaches a new low.

Last month, we had a vehicle to make real, meaningful progress on drinking water standards and PFAS cleanup. We could have done more, but that progress was stopped and this bill was brought forward.

So, Mr. Chair, I want to help communities deal with PFAS concerns. I want to do it in a scientifically-based way.

It is important the actions we take are appropriately measured and justified and backed up by science. This package, though, is not a practical, science-based solution.

Mr. Chair, I urge a “no” vote.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), our majority leader, and I want to thank him for prioritizing this PFAS package and making it one of the first things that we do in 2020.

Mr. HOYER. Mr. Chair, I thank the gentleman for his comments. Nobody has fought harder than Mr. PALLONE and Mr. TONKO to make sure that this legislation moves forward. And, of course, we worked very hard with the Senate to try to have these protections included in the Senate bill. Unfortunately, we didn't get there.

Mr. Chairman, while I am glad that Congress was able to take small steps to address the hazards of PFAS contamination through passage of the 2020 defense authorization bill last month, that action alone was not enough. That is why the House is taking further action this week.

These contaminants, known as forever chemicals, because they do not break down and can remain in the human body for many years, have been shown to raise one's risk of deadly cancers, reproductive and immune system disorders, and other health problems.

For decades, we have known that PFAS contamination is a problem.

According to the EPA, millions of Americans are exposed to unsafe levels of PFAS through their drinking water.

The Trump administration, under its own PFAS Action Plan, promised to establish a drinking water standard by the end of last year. Let me repeat that. The administration planned to have a standard by the end of last year. Unfortunately, that has not been accomplished. It has taken neither of the steps that it indicated it would, making this legislation very necessary.

That is why the House is considering PFAS legislation this week introduced

by Congresswoman DINGELL and Congressman UPTON, a bipartisan piece of legislation.

Mr. Chair, I want to congratulate Mrs. DINGELL for her continuing leadership on this issue. I also want to thank the others who have worked on this legislation, including the gentleman from New Hampshire, CHRIS PAPPAS.

The package of 12 bills was approved by the Energy and Commerce Committee in a bipartisan vote in November. Its provisions will, among others, establish a protective safe drinking water standard for PFAS contamination based upon science; improved testing of existing PFAS chemicals; limit the introduction of new ones; and provide for their safe disposal.

Most importantly, it will begin the process of helping clean up PFAS-contaminated sites under the Superfund program.

Critically important, particularly the sponsors are fighting contaminated sites in their own areas.

The Defense Department, which for years has used firefighting foam containing PFAS chemicals, has failed to clean up sites across the country that have contaminated the drinking water of countless Americans.

Why is that?

Because the EPA has failed to list these chemicals under the Superfund law, notwithstanding their toxic and adverse effects.

This legislation is a major action aimed at safeguarding public health and protecting Americans' access to clean and safe drinking water.

Mr. Chair, I want to thank Representative DINGELL for her leadership on this issue; her partner, FRED UPTON, the former chairman of the committee; Chairman PALLONE and subcommittee Chairman TONKO of the Energy and Commerce Committee, who have both done extraordinary work on this legislation.

Mr. Chair, I also want to thank Chairman DEFAZIO of the Transportation and Infrastructure Committee for his committee's efforts to address this issue as well.

Mr. Chair, I commend the 50 members of the bipartisan House PFAS Task Force—50 members, bipartisan—who have been working diligently on this issue for years.

Mr. Chair, I also commend Representative CHRIS PAPPAS and ANTONIO DELGADO from New York, who have both focused very much on this issue and believe this legislation is critical.

This legislation may be the first comprehensive PFAS bill brought to the House floor, but I doubt it will be the last.

Mr. Chair, I urge all of my colleagues to join in voting for this bill. I hope that the Senate will take it up without delay and send it to the President's desk for approval with the strong bipartisan support it deserves.

I might mention that I have had extensive conversations with a former

Member of this House, now the Senator from Delaware, TOM CARPER, who has been very focused on this. And the director of his committee, who used to work for me, Mary Frances Repko, who is one of the most knowledgeable people I know, she has talked to me about this legislation.

Mr. Chair, I want to thank the committee, I want to thank the sponsors who have worked so hard on this, and I am glad that we could bring this to the floor at the first opportunity.

Mr. SHIMKUS. Mr. Chairman, I yield as much time as he may consume to the gentleman from Indiana (Mr. BUCSHON), a cardiothoracic surgeon.

Mr. BUCSHON. Mr. Chairman, we all want to keep our communities safe from chemicals that can pose a threat to the health of our constituents. However, we need to get the solution right and not settle on a one-size-fits-all approach.

As currently written, the PFAS Action Act does not get it right, because it would impose Superfund liability under CERCLA on lifesaving and other medically beneficial products that have already undergone a rigorous approval process conducted by the U.S. Food and Drug Administration to ensure they are safe to use in medicine.

To designate these lifesaving devices as a hazardous substance is inappropriate and may cost American lives.

That is why I am disappointed that my amendment to exempt FDA-approved or -cleared products from liability under section 107 of CERCLA with respect to PFAS was not made in order.

As a physician, I have firsthand experience with lifesaving medical devices that include PFAS, such as vascular grafts, stent grafts, heart patches, catheter tubes, and more.

In fact, this medical device right here, which you see pictured behind me, is used to close what is called an atrial septal defect, a procedure used to close a hole in the heart. This product contains polytetrafluoroethylene, a PFAS.

As a surgeon, I used to have to perform open heart surgery, with weeks of recovery and rehab for patients after this procedure.

This device now allows it to be done sometimes as an outpatient.

This bill, as it stands, would deny Hoosiers and Americans the healing power of modern medical devices using PFAS, and instead, lead to costly litigation, which would increase the underlying costs of healthcare.

We must be careful before instituting a one-size-fits-all approach to PFAS.

Mr. Chair, for that reason, I urge my colleagues to oppose the legislation.

Mr. SHIMKUS. Will the gentleman yield for purposes of colloquy?

Mr. BUCSHON. I yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Just to clarify: one is that we are exempting airports from Superfund liability, but we are not exempting medical devices that are FDA approved in infants' bodies?

Mr. BUCSHON. That is my understanding. That is correct.

Mr. SHIMKUS. And that device that you have is a per- or polyfluorinated compound; is that correct?

Mr. BUCSHON. That is correct.

Mr. SHIMKUS. And it is FDA approved?

Mr. BUCSHON. That is correct.

Mr. SHIMKUS. And if it is toxic, which means it would be defined as harmful to a baby, why are we using it in a baby to fix the heart?

Mr. BUCSHON. Well, because it has not been shown to be toxic. It has been approved by the FDA and shown to be safe for patient use. And we might not be able to use them in the future if it is declared toxic.

Mr. SHIMKUS. Mr. Chair, I thank the cardiothoracic surgeon for yielding.

Mr. TONKO. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I want to respond to something I keep hearing from my Republican colleagues, which is the argument that we should abandon important proposals because the Senate simply will not accept them.

We cannot control the Senate, but we have the ability and the responsibility to pass strong legislation through this body and work as hard as we can to get it enacted.

I believe in the prerogative and power of the House of Representatives to do what is right, and so I can only hope that the Senate will follow our example.

Mr. Chair, I yield 5 minutes to the gentlewoman from Michigan (Mrs. DINGELL), a champion on this issue.

Mrs. DINGELL. Mr. Chairman, I thank the chairman for yielding and for his leadership, and Chairman PALLONE's leadership on all of these issues.

I rise in strong support of H.R. 535.

Exactly 1 year ago, I introduced the PFAS Action Act, and have been joined by many of my colleagues in this effort in the last year.

□ 1845

I promised my constituents that we would take serious steps to address that issue, and that is what we are doing today.

Let us be very clear: PFAS is an urgent public health and environmental threat, and the number of contamination sites nationwide is growing at an alarming rate, including our military bases.

PFAS chemicals are everywhere. They are in our nonstick cookware; they are in food containers; they are in carpet, clothing, cosmetics, and firefighting foams, just to name a few.

PFAS is persistent. It accumulates in your body, and it is toxic. They are manmade, and they are known as a forever chemical. They don't break down in the environment; they don't break down in your body; and they don't break down in the wildlife.

Exposure to PFAS, even at low levels, poses significant health risks, and

we know that now. In a recent review, the CDC identified a number of health effects associated with PFAS exposure, including cancer, liver damage, decreased fertility, and an increased risk of asthma and thyroid disease.

Experts believe that as many as 99 percent—some people say 97. I have an official source that says 99. Who cares what that number is, because most Americans at that level have PFAS in their blood, and they don't even know it.

Michigan has been hit hard. It is ground zero for where PFAS has been identified. We have 74 sites, but only because, after Flint, we learned. We look and try to keep our citizens from being poisoned.

According to the Environmental Working Group, PFAS has been detected in the drinking water of more than 1400 communities across the country; and those drinking water systems serve 19 million people in this country, including 300 military installations that have been identified.

In my district, PFAS is in the water in the Huron River, and we can't eat the fish. I was at a townhall meeting and a man got up—he was older—and said to me: I used to eat that fish. I relied on it. When will I be able to eat it again?

I didn't want to say this to him, but the fact of the matter is probably not in his lifetime.

Most of these sites are not being cleaned up. And the number of sites is expected to grow across the country as more States do the testing they need to do to protect their citizens, to find PFAS.

But the most troubling thing is that the manufacturing companies know the danger of PFAS and even tracked it in the blood of their employees, while the EPA has completely abandoned its responsibility to act swiftly and comprehensively.

And our military is saying they don't have to clean it up. Why? Because it is not listed under CERCLA and because they are not required to do so.

Here is the reality. We are not cleaning up the contamination. We don't even have a protective drinking water standard.

And you talk about science, Governor Rick Snyder, a Republican, appointed a scientific community that said that the guideline—not a standard—isn't stringent enough to protect human life.

Now, EPA keeps coming and testifying before our committee, and they say they are going to do it soon, but I sure don't see them doing it.

Do you all realize that exposures to contaminated water, air, and soil that include PFAS and toxins kill more people than smoking, hunger, war, natural disaster, AIDS, and malaria together?

Did the Flint water crisis not teach us in this Congress and the country something?

Mr. Chair, I thank all of my colleagues who have worked on this issue.

When you know the facts, I don't understand how anybody could let American people be poisoned, and it is time for us to act.

Mr. SHIMKUS. Mr. Chair, I yield myself 1 minute to respond.

Mr. Chair, if all this whole class of 7,866 chemicals is so dangerous, why does FDA allow us to implant them in the hearts of infant children?

If this is so dangerous—there may be a couple that are bad, we are not disputing that, but the entire class?

If it is so bad, why does the FDA say it is okay for food packaging?

If it is so bad, why didn't my friends in the Obama administration, in that EPA ban it? Because they want to do the scientific analysis.

Mr. Chair, I reserve the balance of my time.

Mr. TONKO. Mr. Chair, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chair, I rise today in support of H.R. 535, the PFAS Action Act, sponsored by Congresswoman DINGELL and Congressman UPTON.

The EPA has acknowledged that PFAS chemical exposure can lead to adverse health effects for human beings, but it has been very slow to do anything about it.

PFAS chemicals present a clear and present danger to communities all over the United States. They are linked to cancer, can cause birth defects, disrupt thyroid hormones, and affect the immune system.

Beyond the military, where it is all over our bases, the chemicals can be found in food packaging, commercial household products, our workplaces, and our drinking water; and certain PFAS chemicals are so dangerous that they are no longer manufactured in the United States.

Mr. Chair, we need to pass this bill, as we have done once before.

Mr. TONKO. Mr. Chair, might I inquire of the time that is remaining for our side.

The CHAIR. The gentleman from New York has 18 minutes remaining. The gentleman from Illinois has 14½ minutes remaining.

Mr. TONKO. I yield 2 minutes to the gentleman from California (Mr. RUIZ.)

Mr. RUIZ. Mr. Chair, there was an excellent question posed by a nonphysician as to why it would be safe for a medical device to exist within the baby and approved by the FDA, and I think it is important to understand the physiology of what is the pathophysiology of these chemicals in the human body.

The danger with these chemicals is when they actually cross either the air-blood barrier or are deposited into tissue, whether they are ingested, inhaled in a specific form, that then gets deposited and accumulates over time.

When they are packaged in a specific device, they don't necessarily start to get absorbed or within a certain amount to prevent certain illnesses. But when you break them down into

chemical reactions to actually get deposited, then that is when you come up with illnesses.

That is why it is so dangerous, because in terms of the tissue, in terms of the route of ingestion, in terms of the different forms of the way it is accumulated, it can have dire effects.

Ninety-seven percent of Americans have or have had harmful PFAS chemicals in their bloodstream. They are known as forever chemicals because, once consumed, they take years and years and years to leave your body.

We eat these chemicals when our foods are stored in PFAS-containing packages. And, like I said, there is some leakage there. We drink them when they accumulate in our drinking water in their most basic form. And PFAS can also be passed along during pregnancy and breastfeeding when they are in their smallest form as well.

Even small levels of exposure to PFAS have been shown to harm people's immune systems.

Again, this is through the medical-scientific literature. The medical-scientific literature has shown that small levels of exposure to PFAS have shown harm to people's immune systems, increase their risk of certain types of cancer, and affect thyroid function.

The CHAIR. The time of the gentleman has expired.

Mr. TONKO. I yield the gentleman an additional 30 seconds.

Mr. RUIZ. Even small levels of PFAS can be harmful to the public's health.

The PFAS Action Act of 2019 will help address this public health issue by establishing a maximum contaminant level for PFAS in drinking water, provide funds to help communities remove PFAS from their drinking water, and require continuing monitoring of PFAS. It also provides millions specifically for disadvantaged communities harmed by PFAS-affected water systems.

Having clean water to drink is a common good for everyone, not a privilege for the few.

I urge everybody to vote "yes."

Mr. SHIMKUS. Chair, I yield myself such time as I may consume.

Mr. Chair, on my time, I have a question for the gentleman from California (Mr. RUIZ). I have great respect for the doctor and his medical knowledge—just two questions.

One, if the medical device has been made, right, and then there is a defect, so they throw it away, and if we have labeled that as a toxic chemical, then that chemical in the municipal waste now becomes a Superfund site; right?

I yield to the gentleman from California.

Mr. RUIZ. I do not know the answer.

Mr. SHIMKUS. The answer is, under current law, H.R. 535, not amended, the answer is yes.

So why would they make it?

Mr. RUIZ. What I can answer is that PFAS can be harmful to one's health even though they may have a utility for a medical device.

Mr. SHIMKUS. No, I understand the physiology. I got that. I am just telling you the problem with this bill.

But the question is, the device, labeled as toxic, thrown in a municipal waste field would then become a Superfund site under current law.

And then I guess the other question I would ask the doctor is: There are 7,866 permutations of per- and polyfluorinated compounds. I would ask the doctor, which one is he referring to?

Mr. Chair, I reserve the balance of my time.

Mr. TONKO. Mr. Chair, I yield 1 minute to the gentleman from Florida (Mr. SOTO).

Mr. SOTO. Mr. Chair, our constituents across America would be surprised to know that so many of these districts have been poisoned by a chemical they never even heard of, the PFOS and PFAS chemicals. But they would be even more shocked to know that the very cookware that they cook their meals to serve to their little kids and to their families contain that very poison. So why wouldn't we want to let them know, give them a heads-up?

And then, turning to Florida, we had a cancer cluster in Ocala, Florida, that hurt countless firefighters. If we are not here to protect little kids and firefighters, why are we here?

We don't need to wait for the Senate to tell us whether we can act or not. We need to act now, and that is why I am supporting this bill.

Mr. SHIMKUS. Mr. Chair, I reserve the balance of my time.

Mr. TONKO. Mr. Chair, H.R. 535 lists only PFOA and PFOS under Superfund and leaves decisions for all other PFAS to EPA. EPA has already committed to listing PFOA and PFOS under Superfund and has been working on the listing since 2018. The bill will speed up that listing, so that cleanup of existing contamination starts sooner, but does not change how Superfund will apply.

The two PFAS that will be listed under Superfund by this bill have already been phased out by industry under a voluntary EPA partnership more than a decade ago.

□ 1900

They are not being made in this country anymore. So no one producing airplane door seals or heart stents or any other product is using the chemicals listed under the bill. The FDA is not approving heart stents made of these chemicals.

Most of those products are actually made from PTFE, better known as Teflon. The companies who make and use PTFE believe it is not hazardous. If that is true, the testing regime in this bill will show it to be true. And if it is true, the EPA will not list it under Superfund.

The bill leaves the listing decision for PTFE and all other PFAS currently produced in this country to EPA. It gives the EPA 5 years to evaluate those chemicals and supplies them with the needed science.

This is a reasonable approach that will not regulate PFAS chemicals that are found to be nonhazardous and will take no immediate action on PFAS chemicals still being made.

I also want to note that FDA review and CERCLA listing are not inconsistent. FDA review looks at whether a product is safe and effective for specific uses. CERCLA focuses on whether a chemical is hazardous when released into the environment.

Many items that have important, even lifesaving uses, are not safe when dumped into the environment. And to be clear, the FDA is not recommending that healthy individuals implant PFAS into their bodies. The FDA is making a careful decision that someone in need of a heart stent is served by this device more than they are harmed.

Mr. Chair, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. DEAN).

Ms. DEAN. Mr. Chair, I thank Representative TONKO for yielding.

Article I, section 27 of the Pennsylvania Constitution, States: "The people have a right to clean air, to pure water."

Similar in spirit, the Environmental Protection Agency's website proclaims that: "The mission of EPA is to protect human health and the environment."

Unfortunately, EPA has taken only halting steps to deal with our PFAS water contamination challenge, despite its ongoing harm to human health. EPA's website describes those harms: "low infant birth weights, effects on the immune system, cancer . . . and thyroid hormone disruption."

I rise in support of H.R. 535 which will require EPA to mandate cleanup of contaminated sites, set air emission limits, and limit new PFAS chemicals in the marketplace;

Identify health risks by requiring comprehensive health testing, reporting and monitoring;

Require a national PFAS drinking water standard that creates clarity for States and municipalities;

Holds polluters accountable.

I am pleased to have worked on this public health issue and to see that part of my bill, H.R. 2600, included, which will require EPA to develop needed rules for safe PFAS disposal.

I rise in support of this bill.

Mr. SHIMKUS. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, just a couple of points. Obviously, we have numerous problems with all of the sections of this bill.

The one that is also troubling is the 5-year ban, because under TSCA, which we worked on, passed in a bipartisan manner, no new chemicals can come to the market unless it is safe.

So what this bill does, is already label a per- or polyfluorinated compound that could be very lifesaving and helpful, it puts a scarlet letter on them beforehand and it doesn't allow it. Chemistry is the future, cleaner, greener, and it is the future for an EV world, super computing, you name it.

But we are banning per- and polyfluorinated compounds. Now remember, there are 7,866 different permutations of this. So where we accept the premise that there may be some that are terrible, we are not accepting the premise that they are all bad, and that is what this bill does.

I also want to highlight that Superfund designation is not salvation. Eielson Air Force base in Fairbanks, Alaska, went on the Superfund site November 21, 1989. It is still there after 30 years. So just think about the community now that has been stigmatized under a Superfund designation, and they are not going to be able to redevelop, retrain, rebuild, and grow the economy.

I have a whole list of these things from 30 years, 32 years, 30, 35 years ago. Most of us have dealt with Superfund sites in our district. I have. They are no fun and they are not helpful, and it takes forever.

Talking about forever chemicals, we are talking about forever Superfund sites, and that is what you are signing up for in this debate.

Mr. Chair, I reserve the balance of my time.

Mr. TONKO. Mr. Chair, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chair, to the gentleman from New York, I would like to enter into a colloquy regarding creosote contamination in the 18th Congressional District.

I certainly rise to support enthusiastically H.R. 535. For decades the residents of the Fifth Ward and surrounding areas, residential areas in Houston, which is located on the northern side of my district, have long suspected that creosote was making them sick. They were exposed to creosote through soil and water contamination through a railroad yard.

Last April, during a community meeting I hosted for residents on the topic of creosote contamination, I requested a cancer study from the Texas Commission on Environmental Quality after person after person spoke about cancer and their relative dying.

The study found that three adult respiratory-system-related cancers occurred in that Fifth Ward and surrounding areas, including Kashmere Gardens. The cancers included, lung and bronchus, esophagus, and larynx. Toxic substances, such as creosote, should not be in common use where human activity is present, and it should not take decades for hazardous environmental concerns expressed by citizens to get addressed.

Mr. TONKA. Will the gentlewoman yield?

Ms. JACKSON LEE. I yield to the gentleman from New York for the purpose of a colloquy.

Mr. TONKO. Mr. Chair, creosote is listed as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, for the purpose of

Superfund cleanup sites for the assignments of liability.

The CHAIR. The time of the gentlewoman has expired.

Mr. TONKO. Mr. Chair, I yield the gentlewoman from Texas an additional 1 minute.

Ms. JACKSON LEE. Mr. Chair, I thank the gentleman for yielding.

Mr. TONKO. The mechanisms for reporting on potential toxicants should allow citizens ready access to information on what they can do to alert authorities to environmental threats.

Ms. JACKSON LEE. The communities like the Fifth Ward and surrounding areas in Houston can be invaluable to assisting agencies in identifying ways to improve on the information provided to the general public—they live it every day. These are life or death issues—on the means and methods available to citizens to report environmental concerns and how these products are used amongst the community for products that are very needed in the community, and have those concerns adequately addressed.

Mr. TONKO. The public is vital to the work of environmental protection, and I look forward to learning more about the residents of the Fifth Ward and surrounding communities, and the gentlewoman's efforts to address creosote contamination. And I thank the gentlewoman for bringing this to the attention of the committee and Members of Congress.

Ms. JACKSON LEE. Mr. Chair, I thank the gentleman very much, and as I leave the floor, just want to take note of the contamination in the State of Texas and this is what we are fighting.

Mr. Chair, as a senior member of the House Committee on Homeland Security, I rise in strong support of H.R. 535, the PFAS Action Act of 2019, which will regulate in a comprehensive fashion Per- and poly-fluoroalkyl substances (referred to as PFAS).

I support the legislation because it also protects public health by containing provisions to clean up contaminated sites.

I have long held concerns regarding environmental justice issues that impact urban and rural communities who disproportionately face problems associated with contaminated water, soil, and air pollution.

My work to protect residents of the 18th Congressional District from harms caused by contaminants over the last year include: creosote ground water contamination and the opposition of permitting of a cement manufacturing facility near residential spaces in Fifth Ward Houston and Acres Homes respectively.

Through a series of major community meetings on environmental hazards I held last year I can attest that people are literally fighting for their lives and the lives of their children because of disparate conditions regarding managing containment and cleanup of an existing ground water creosote contamination site and the threat of cement dust contamination of a residential area if a State issued permit be allowed to stand.

Concerns about the health impact of creosote and other harms to human health have existed in Acres Homes and 5th Ward Houston for decades.

Because of recent actions on the part of the responsible party for containing the effects of creosote contamination of ground water, I called a community meeting including all relevant entities in April of 2019.

As an action item from that meeting I requested, that the Texas Commission on Environmental Quality arrange a cancer cluster study of the 5th Ward area of Houston that would be conducted by the Texas Department of State Health Services (DSHS).

The DSHS analyzed census tracts in Houston to determine the incidences of cancer.

The analysis examined cancers—specifically those associated with adults.

The study analyzed a half-dozen types of adults referencing cancers in the Texas Cancer Registry.

It concluded that “the numbers of esophagus, lung and bronchus and larynx cancers were statistically significantly greater than is expected based on cancer rates in Texas.”

The DSHS's work was incomplete—we do need more data.

This report, however, confirmed the fears of constituents in my district, as expressed at my April town hall meeting.

According to the report, incidences of cancer outside of normal probabilities has occurred in 5th Ward Houston.

Specifically, the DSHS analyzed the Texas Cancer Registry available from 2000 to 2016, as it relates to the affected areas, in which “[l]ung, bronchus esophagus, and larynx cancers were statistically significantly greater than expected.”

The report also found that the types of cancers which were identified in the study are consistent with those present in arsenic, which comprises creosote.

Given the findings of the DSHS report, and the impact this has on the health and wellbeing on my constituents in Kashmere Gardens, I will be working to address the need to place energy and effort to address community environmental concerns more effectively.

And there have been critical, tangible health consequences to the emergence of these cancer clusters for decades that went uninvestigated.

In my April community meeting and in December during a media event and tour, I heard stories that were stark in their nature, compelling and tragic on the incidence of illness and cancer that has plagued residents of 5th Ward.

Speaker after speaker at these community meetings spoke of the existence of the cancer, either in themselves or in their relatives.

It was startling.

One participant spoke of having a vegetable garden and concerns about whether it was safe to eat the food grown.

Another resident spoke of a recent diagnosis of cancer and the number of neighbors and family members who had contracted cancers over the years.

The open over 20 feet deep creosote dipping pit that abutted back yards of residents for decades was real.

The runoff from rain storms tainted with creosote that filled ditches with oily black and brown smelly residue happened.

The persistent smell of creosote near where they lived was constant.

A few weeks ago, I walked Lavender and Lily streets and engaged with residents who had thyroid cancer or lung cancer who shared

their stories with me in hopes that something can be done.

I remain concerned about the existence of cancer clusters in Houston's Fifth Ward.

The safety and well-being of the Kashmere Gardens Community and surrounding areas are my overriding concern.

My advocacy on this issue and on behalf of those identified in the city is longstanding and unwavering, and I will not relent until the community and its citizens have answers about the impact creosote has in the lives and health of my constituents.

This is why I am in strong support of H.R. 535.

This legislation addresses PFAS chemicals, which are an urgent public health threat because PFAS are persistent, bioaccumulative, and toxic, and communities across the country are discovering PFAS contamination in their air, land, and water.

Mr. Chair, PFAS are a class of man-made chemicals defined by the presence of fluorinated carbon atom, the strongest carbon bond possible.

Because of this bond, these chemicals are extremely persistent in the environment and are known to bioaccumulate in humans and wildlife, which is why they are called "forever chemicals."

PFAS have long been linked with adverse health effects including cancer, immune system effects, infertility, impaired child development, high cholesterol, and thyroid disease.

Contamination has been found across the country, much of it around industrial facilities and Department of Defense installations.

According to monitoring by the Environmental Protection Agency (EPA), millions of Americans are exposed to unsafe levels of PFAS through their drinking water.

Mr. Chair, it is urgent that this Congress enact this legislation because the U.S. Environmental Protection Administration and industry have failed to address known threats presented by PFAS chemicals.

EPA and industry have known about the risks from PFAS chemicals for decades but failed to act to prevent the spread of this contamination.

Industry studies showing adverse health effects as early as 1950 have now been made public.

EPA has recognized the risk of these chemicals since at least 1995, when the agency amended its polymer exemption to exclude new PFAS chemicals.

Despite that knowledge, EPA took no action on PFOA and PFOS until 2006, and then relied on a voluntary industry phase out instead of using the regulatory tools available.

EPA is continuing to allow new PFAS onto the market, some without any review under "low volume exemptions" to the Toxic Substances Control Act.

Last year, EPA issued a "PFAS Action Plan" that did not take needed action to address cleanup of contaminated sites, set limits on PFAS in drinking water, or even require reporting of PFAS releases.

In fact, the only commitments made in the action plan were to make some determinations by the end of 2019—commitments that were not met.

H.R. 535 will provide the protections impacted communities need quickly and for the long term.

The PFAS Action Act of 2019 would require EPA to use tools under several environmental statutes to:

1. Stem the flow of PFAS contamination into the environment by requiring cleanup of sites contaminated with PFOA and PFOS, setting air emission limits, prohibiting unsafe incineration of PFAS, and limiting the introduction of new PFAS chemicals into commerce;

2. Identify health risks by requiring comprehensive health testing for all PFAS, reporting of PFAS releases, and monitoring for PFAS in drinking water;

3. Limit human exposure to PFAS by requiring a drinking water standard for PFAS that protects public health, including the health of vulnerable subpopulations like pregnant women, infants, and children, and holding polluters accountable.

In addition, H.R. 535 provides grants to impacted water systems, creates a voluntary label for cookware that is PFAS free, and provides guidance for first responders to limit their exposures.

Mr. Chair, H.R. 535 addresses a critical threat to the public health and safety and that is why I support and urge my colleagues to join me.

Mr. SHIMKUS. Mr. Chair, I reserve the balance of my time.

Mr. TONKO. Mr. Chair, may I inquire again about time remaining.

The CHAIR. The gentleman from New York has 9½ minutes remaining. The gentleman from Illinois has 11½ minutes remaining.

Mr. TONKO. Mr. Chair, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. TRAHAN).

Mrs. TRAHAN. Mr. Chair, I would like to commend the sponsor of this bill, my friend from Michigan, Congresswoman DINGELL. She is a true champion of clean air and water.

Families across my district are rightfully concerned about a chemical legacy that they and their children will bear unless we pass this bill. Sampling of wells is ongoing in the community of Devens, as well as its neighbor, the town of Ayer.

PFAS contamination was likely due, at least in part, to the firefighting foam used at the Fort Devens Army base over the past century. The town of Hudson has had to contend with its own PFAS issues, such as in its Cranberry Bog well.

The EPA has failed in its duty of care to the American people, so I urge my colleagues to protect public health and to pass H.R. 535, the PFAS Action Act. Clean drinking water is something to which everyone in this Nation is entitled.

Mr. SHIMKUS. Mr. Chair, I reserve the balance of my time.

Mr. TONKO. Mr. Chair, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chair, I thank the gentleman for yielding.

I rise in full, enthusiastic support for this legislation which is long overdue. For decades, chemical corporations like 3M and DuPont knowingly manufactured products containing forever-toxic chemicals known as PFAS.

Our Federal Government has confirmed that PFAS can adversely affect

growth and learning in children, lower a women's chance of getting pregnant, increase cholesterol, hinder the immune system, interfere with hormone regulation, and even increase the risk of cancer.

As a cancer survivor myself, and as chairwoman of the Appropriations Committee Military Construction, Veterans Affairs, and Related Agencies Subcommittee, I find it unconscionable that I have veterans coming to me to complain that their families are dying due to the Department of Defense's decades-long use of these chemicals.

As a member of the Oversight and Reform Committee, I have told 3M and DuPont to their faces that I don't know how they sleep at night. They poisoned our water and contaminated the bloodstream of millions of people all for profit.

It is past time that the Federal Government step up and do something about it, and we do that here today. I commend Congresswoman DINGELL for her work and so many of my colleagues who have fought so far and so long, including the chairman.

Mr. SHIMKUS. Mr. Chair, I continue to reserve the balance of my time.

Mr. TONKO. Mr. Chair, I yield 1 minute to the gentlewoman from Texas (Mrs. FLETCHER).

Mrs. FLETCHER. Mr. Chair, I rise in support of H.R. 535, the PFAS Action Act, a comprehensive bill to address PFAS contamination across the country. And I thank my colleagues for their commitment to bringing this bill to the floor.

Mr. Chair, I am glad that one of the bills I filed in this Congress, H.R. 2638, has now been included in this legislation. It directs the Environmental Protection Agency to issue guidance on minimizing the use of firefighting foam and other equipment that contains PFAS chemicals by firefighters and first responders.

Its purpose is simply to minimize the risk for our firefighters and first responders as well as for our environment. We know that these chemicals are dangerous for humans who have been exposed to them, and we know they are dangerous for our environment.

Unfortunately, we have seen the impacts in our community as recently as last year. During the ITC plant fire in Deer Park, Texas, in March 2019, firefighters used more than 130,000 gallons of foam to extinguish the massive flames in that fire. Not long after, high levels of PFAS chemicals were found in the water in the Houston Ship Channel and lower levels were found farther downstream, according to the Galveston Bay Foundation.

Our first responders risk their lives every day to protect our communities. We must do everything we can to protect theirs.

Mr. SHIMKUS. Mr. Chair, I reserve the balance of my time.

Mr. TONKO. Mr. Chairman, I yield myself such time as I may consume.

I thank the House leadership for bringing forward this package today. I want to explain why it is critical that Members support this bill.

The health and the safety of communities across our great country are compromised by these dangerous chemicals. For their sake, let's not pretend that nibbling at the edges with the latest NDAA is enough to declare victory.

I have visited the communities and met the families who are dealing with the fallout from PFAS exposure and environmental contamination. They elected us to put their needs first, and they need more than half measures.

I appreciate my Republican colleagues' willingness to work on cleanup of Federal facilities, but that simply is not enough. I cannot in good conscience go home this weekend and tell the people of Rensselaer County: "We are cleaning up DOD sites, but we have no plan for the polluted industrial sites in Hoosick Falls, or any others like it around the country."

It just isn't right. We need to take action under Superfund and hold PFAS polluters responsible, regardless of whether they are public or private.

The bill also requires any national drinking water standard to, at a minimum, ensure vulnerable groups, including pregnant women, infants, and children, are protected.

I won't tolerate EPA adopting an unsafe standard, and I do hope Members with impacted communities won't either.

The bill includes other critical provisions to reduce PFAS exposure, empower consumers, and expedite cleanups. We have waited too long already for the administration to act. I fear we will keep waiting, or worse, deal with the consequences of unprotective actions.

Until we enact these provisions, we cannot say that Congress has done its job.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chair, I yield myself such time as I may consume.

As we went through the TSCA debate, one thing I learned was exposure over time of the hazard equals the risk.

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Sometimes, we conflate a bad chemical as risk unless you can protect it from exposure. That is why I have been focusing on the 7,866 chemicals. That is why I am talking about the PFAS that might be in a hockey puck but not in the bloodstream.

But this bill says that everything is going to be labeled as a hazardous waste and followed up on Superfund. The contrary argument is: Great, put it in the Superfund. When will that get cleaned up?

If it is in Ellison Air Force Base, Alaska, 30 years, and it is still not cleaned up. Williams Air Force Base, Chandler, Arizona, 30 years, and it is

still not cleaned up. Castle Air Force Base, Merced, California, 32 years, and it is still not cleaned up. Dover Air Force Base, 30 years, and it is still not cleaned up. Central Landfill in Johnston, Rhode Island, 33 years, and it is still not cleaned up. Walsh Landfill, Honey Brook Township, Pennsylvania, Superfund site, 35 years, and it is still not cleaned up. Colbert, what we have is 35 years of litigation.

I like that red map that they are touting out here on this bill. That red map indicates trial lawyer action in all those States because most of the Superfund money goes to litigation.

Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from Illinois has 10 minutes remaining.

Mr. SHIMKUS. Mr. Chairman, I also want to highlight what we have done. I think some people have alluded to it, that nothing was done, but a lot was done in the National Defense Authorization Act. A little bit more was done in the end-of-year spending bill. This Safe Drinking Water Act provision could have been in, and we all know it. That could have been in law today. But it wasn't, as leverage for this bill that we are talking about today.

In the NDAA, we require EPA to mandate that drinking water systems monitor for unregulated PFAS. That is law. In the NDAA, it is now law that we provide grants to communities to address emerging contaminants in drinking water, including PFAS.

Currently, in law, we require new reporting for PFAS under the Toxics Release Inventory program. Currently, under law, it is required that manufacturers and processors of PFAS submit health and safety information. It is now law.

Current law restricts new uses of long-chain PFAS. Now, what do I mean by long chain? That is when there are 7,866 different per- and polyfluorinated compounds. You have long-chain ones, and you have short-chain ones. We are banning the long chain, and again, we need scientific research, but this bans them all, whether or not they are safe.

EPA law now is guidance for appropriate destruction. Now currently under law, it requires the Federal Government to work expeditiously with States to enter in a binding cooperative agreement concerning cleanup.

Mr. Chairman, that is in respect to your State of Michigan. Michigan established its standard. The Department of Defense was hiding behind the fact that it couldn't negotiate. You guys were successful. Former Chairman UPTON was part of that fight. I applaud the State of Michigan for having that done, and now that is current law.

In the appropriations bill, which provided \$2 billion for the Clean Water and Drinking State Revolving Fund, \$20 million will go to State-level PFOS cleanup.

So as we hear this debate and as we go to the amendments, we are going to hear doom and gloom and that we are

negligent, that EPA is not doing anything, and that we are terrible people. In fact, at the end of last year, great strides were made, in a bipartisan manner. I applaud the NDAA. I applaud the end-of-year spending bill. And this, too, shall end.

I do want to highlight the fact that to ban 7,866 forms of per- and polyfluorinated compounds without doing science, that has never been done in the history of this Chamber and this body. It is more political science versus science.

We get it. We will move through this process. We will have our votes, and then this will be a fight for the next Congress because the Senate has said it is not going to support this bill. It is not going to bring it up. The President has already issued a veto threat.

It is a good exercise. I get to practice speaking on the floor with my friends in debate, which I look forward to as we bring up the amendments.

Mr. Chairman, I yield back the balance of my time.

Mr. FITZPATRICK. Mr. Chair, I am proud to be a cosponsor of H.R. 535—The PFAS Action Act. This bill is a big step towards cleaner water for all Americans. It designates PFOA and PFOS as hazardous; these are two of the most prevalent substances that make up the group of substances known as PFAS. These 'forever' chemicals are known to pose serious health concerns that have affected many of my constituents throughout Bucks County along with Americans across our country. 99 percent of people have traces of PFAS in their blood.

One of my top PFAS priorities has been getting a federal Maximum Contaminant Level (MCL) for PFAS chemicals in our water. Most states do not have an MCL and ones that do, are not uniform. State residence should not be the defining factor for an American to have safe drinking water, having one universal MCL for PFOA and PFOS in the U.S. helps to solve this problem.

Currently there is no limit on how much PFAS pollution is in our water and air. This bill gives EPA the power to begin regulating this lethal pollution. It will jumpstart the cleanup effort and hold PFAS polluters accountable. It will require polluting companies to submit information to EPA, so that the Agency can more fully evaluate the environmental and health effects of these toxins.

Hundreds of PFAS chemicals are used in commercial goods and The PFAS Action Act will put in place a labeling system so that PFAS-free products can be easily identified by consumers.

I have seen firsthand the devastating health effects that PFAS substances cause in my community. The Department of Defense (DOD) used PFAS chemicals in its firefighting foam for decades at the Willow Grove base that contaminated the water and soil in Warminster, PA. Last month I supported a new Defense bill that became law which ends the practice of using that specific kind of firefighting foam by 2024. This bill goes further and will make people safer and less likely to consume these toxins.

Every American deserves access to clean drinking water and clean air. Most of us think only clean water comes out of our faucets

when we turn them on, unfortunately, this is a misconception. Until this bill is signed into law and is fully implemented, we cannot trust that our water is not contaminated with these toxic substances.

I urge my Republican colleagues to vote “yes” on this bill. A vote for this bill means that you care about safe drinking water for your constituents. EPA has promised to address PFAS, and this bill will ensure that they make substantial progress by setting firm deadlines.

I would like to thank Congresswoman DINGELL, Congressman UPTON along with Congressman KILDEE, who co-chairs the Bipartisan PFAS Taskforce with me, for their work in leading this important bill.

I also want to thank Joanne Stanton and Hope Grosse of the Buxmont Coalition for Clean Water along with many of the townships and municipalities throughout my district, they have fought for years for meaningful action to be taken on this issue, and while this bill is by no measure the finish line, it is a major milestone.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, 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 House Report 116-366, shall be considered as adopted.

The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 535

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “PFAS Action Act of 2019”.

(b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Designation as hazardous substances.
- Sec. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 5. National primary drinking water regulations for PFAS.
- Sec. 6. Enforcement.
- Sec. 7. Establishment of PFAS infrastructure grant program.
- Sec. 8. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
- Sec. 9. Prohibition on unsafe waste incineration of PFAS.
- Sec. 10. Label for PFAS-free products.
- Sec. 11. Guidance on minimizing the use of fire-fighting foam and other related equipment containing any PFAS.

SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.

(a) **DESIGNATION.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate perfluorooctanoic acid and its

salts, and perfluorooctanesulfonic acid and its salts, as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)).

(b) **DEADLINE FOR ADDITIONAL DETERMINATIONS.**—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall determine whether to designate all perfluoroalkyl and polyfluoroalkyl substances, other than those perfluoroalkyl and polyfluoroalkyl substances designated pursuant to subsection (a), as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)) individually or in groups.

(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.

SEC. 3. 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 RULE.**—

“(A) **RULE.**—Notwithstanding paragraphs (1) through (3), the Administrator shall, by rule, require that comprehensive toxicity testing be conducted on all chemical substances that are perfluoroalkyl or polyfluoroalkyl substances.

“(B) **REQUIREMENTS.**—In issuing a rule under subparagraph (A), the Administrator—

“(i) may establish categories of perfluoroalkyl and polyfluoroalkyl substances based on hazard characteristics or chemical properties;

“(ii) shall require the development of information relating to perfluoroalkyl and polyfluoroalkyl substances that the Administrator determines is likely to be useful in evaluating the hazard and risk posed by such substances in land, air, and water (including drinking water), as well as in products; and

“(iii) may allow for varied or tiered testing requirements based on hazard characteristics or chemical properties of perfluoroalkyl and polyfluoroalkyl substances or categories of perfluoroalkyl and polyfluoroalkyl substances.

“(C) **DEADLINES.**—The Administrator shall issue—

“(i) a proposed rule under subparagraph (A) not later than 6 months after the date of enactment of this paragraph; and

“(ii) a final rule under subparagraph (A) not later than 2 years after the date of enactment of this paragraph.”.

(b) **PERSONS SUBJECT TO RULE.**—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)”; and

(2) by adding at the end the following:

“(D) A rule 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 RULE.**—

“(A) **PROTOCOLS AND METHODOLOGIES.**—In determining the protocols and methodologies to be included pursuant to subsection (b)(1) in a rule 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 a rule 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.**—In carrying out subsection (c) with respect to a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance, the Administrator—

“(A) may only determine under subsection (c)(2) that information would be duplicative if the chemical substance with respect to which the application for exemption is submitted is in the same category, as established under subsection (a)(5)(B)(i), as a chemical substance for which information has been submitted to the Administrator in accordance with a rule, order, or consent agreement under subsection (a) or for which information is being developed pursuant to such a rule, order, or consent agreement; and

“(B) shall publish a list of all such chemical substances for which an exemption under subsection (c) is granted.”.

SEC. 4. MANUFACTURING AND PROCESSING NOTICES FOR PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (h), by adding at the end the following:

“(7) This subsection does not apply to any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance.”; and

(2) by adding at the end the following:

“(j) **PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.**—

“(1) **DETERMINATION.**—For a period of 5 years beginning on the date of enactment of this subsection, any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance for which a notice is submitted under subsection (a) shall be deemed to have been determined by the Administrator to present an unreasonable risk of injury to health or the environment under paragraph (3)(A) of such subsection.

“(2) **ORDER.**—Notwithstanding subsection (a)(3)(A), for a chemical substance described in paragraph (1) of this subsection, the Administrator shall issue an order under subsection (f)(3) to prohibit the manufacture, processing, and distribution in commerce of such chemical substance.”.

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

Section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 3009-1(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 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 or class of perfluoroalkyl or polyfluoroalkyl substances 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 (G)(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 or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

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

“(F) 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.

“(G) REGULATION OF ADDITIONAL SUBSTANCES.—

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

“(H) HEALTH ADVISORY.—

“(i) IN GENERAL.—Subject to clause (ii), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not subject to a national primary drinking water regulation not later than 1 year after the later of—

“(I) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(II) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(ii) WAIVER.—The Administrator may waive the requirements of clause (i) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water with sufficient frequency to justify the publication of a health advisory, and publishes such determination, including the information and analysis used, and basis for, such determination, in the Federal Register.”

SEC. 6. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency may not impose financial penalties for the violation of a national primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a national primary drinking water regu-

lation has been promulgated under section 1412(b)(16) of the Safe Drinking Water Act earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.

SEC. 7. ESTABLISHMENT OF PFAS INFRASTRUCTURE GRANT PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following new section:

“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYSTEMS AFFECTED BY PFAS.

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies.

“(b) APPLICATIONS.—

“(1) GUIDANCE.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing the form and timing for community water systems to apply for grants under this section.

“(2) REQUIRED INFORMATION.—The Administrator shall require a community water system applying for a grant under this section to submit—

“(A) information showing the presence of PFAS in water of the community water system; and

“(B) a certification that the treatment technology in use by the community water system at the time of application is not sufficient to remove all detectable amounts of PFAS.

“(c) LIST OF ELIGIBLE TREATMENT TECHNOLOGIES.—Not later than 150 days after the date of enactment of this section, and every two years thereafter, the Administrator shall publish a list of treatment technologies that the Administrator determines are effective at removing all detectable amounts of PFAS from drinking water.

“(d) PRIORITY FOR FUNDING.—In awarding grants under this section, the Administrator shall prioritize affected community water systems that—

“(1) serve a disadvantaged community;

“(2) will provide at least a 10-percent cost share for the cost of implementing an eligible treatment technology; or

“(3) demonstrate the capacity to maintain the eligible treatment technology to be implemented using the grant.

“(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.”

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than \$100,000,000 for each of fiscal years 2020 through 2021.

“(g) DEFINITIONS.—In this section:

“(1) AFFECTED COMMUNITY WATER SYSTEM.—The term ‘affected community water system’ means a community water system that is affected by the presence of PFAS in the water in the community water system.

“(2) DISADVANTAGED COMMUNITY.—The term ‘disadvantaged community’ has the meaning given that term in section 1452.

“(3) ELIGIBLE TREATMENT TECHNOLOGY.—The term ‘eligible treatment technology’ means a treatment technology included on the list published under subsection (c).

“(4) PFAS.—The term ‘PFAS’ means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.”

SEC. 8. LISTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS HAZARDOUS AIR POLLUTANTS.

(a) 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 as a class all perfluoroalkyl and polyfluoroalkyl substances with at least one fully fluorinated carbon atom to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).

(b) **SOURCES CATEGORIES.**—Not later than 365 days after the final rule is issued pursuant to subsection (a), the Administrator of the Environmental Protection Agency shall revise the list under section 112(c)(1) of the Clean Air Act (42 U.S.C. 7412(c)(1)) to include categories and subcategories of major sources and area sources of perfluoroalkyl and polyfluoroalkyl substances listed pursuant to such final rule.

SEC. 9. PROHIBITION ON UNSAFE WASTE INCINERATION OF PFAS.

Section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) is amended by adding at the end the following new subsection:

“(z) **PFAS WASTES.**—

“(1) **FIREFIGHTING FOAM.**—Not later than 6 months after the date of enactment of this subsection, the Administrator shall promulgate regulations requiring that when materials containing perfluoroalkyl and polyfluoroalkyl substances or aqueous film forming foam are disposed—

“(A) all incineration is conducted in a manner that eliminates perfluoroalkyl and polyfluoroalkyl substances while also minimizing perfluoroalkyl and polyfluoroalkyl substances emitted into the air to the extent feasible;

“(B) all incineration is conducted in accordance with the requirements of the Clean Air Act, including controlling hydrogen fluoride;

“(C) any materials containing perfluoroalkyl and polyfluoroalkyl substances that are designated for disposal are stored in accordance with the requirement under part 264 of title 40, Code of Federal Regulations; and

“(D) all incineration is conducted at a facility that has been permitted to receive waste regulated under this subtitle.

“(2) **PENALTIES.**—For purposes of section 3008(d), a waste subject to a prohibition under this subsection shall be considered a hazardous waste identified or listed under this subtitle.”.

SEC. 10. LABEL FOR PFAS-FREE PRODUCTS

(a) **LABEL FOR PFAS-FREE PRODUCTS.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) revise the Safer Choice Standard of the Safer Choice Program to identify the requirements for a pot, pan, or cooking utensil to meet in order to be labeled with a Safer Choice label, including a requirement that any such pot, pan, or cooking utensil does not contain any PFAS; or

(2) establish a voluntary label that is available to be used by any manufacturer of any pot, pan, or cooking utensil that the Administrator has reviewed and found does not contain any PFAS.

(b) **DEFINITION.**—In this section, the term “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

SEC. 11. GUIDANCE ON MINIMIZING THE USE OF FIREFIGHTING FOAM AND OTHER RELATED EQUIPMENT CONTAINING ANY PFAS.

(a) **GUIDANCE.**—Not later than one 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 issue guidance on minimizing the use of firefighting foam and other related equipment containing any PFAS by firefighters, police officers, paramedics, emergency medical technicians, and other first responders, in order to minimize the risk to such firefighters, police officers, paramedics, emer-

gency medical technicians, and other first responders, and the environment, without jeopardizing firefighting efforts.

(b) **DEFINITION.**—In this section, the term “PFAS” means perfluorooctanoic acid, perfluorooctanesulfonic acid, and any other perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom that the Administrator of the Environmental Protection Agency determines is used in firefighting foam and other related equipment.

The CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 116-366. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the 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.

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 116-366.

Mr. WOODALL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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”.

The CHAIR. Pursuant to House Resolution 779, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WOODALL. Mr. Chairman, I introduced this amendment in partnership with my friend from California (Mr. DESAULNIER), with whom I serve on the Rules Committee and with whom I serve on the Transportation and Infrastructure Committee.

I have a poster here, Mr. Chairman, of what it looks like when the foam is released to prevent a fuel fire in an airport hangar. If you can't tell from where you are sitting, this is the tail of the airplane being lifted up above the foam.

As currently drafted, I certainly agree with the ranking member that this bill is much too expansive. But in this one limited case, it doesn't go far enough. Our building code enforcement agencies locally, our local fire codes, require that in order to have a hangar permitted, it must have these fire suppression systems.

But what we found in our research, Mr. Chairman, is that more often than not, these systems go off unintentionally. In fact, in the last 16 years, there have been 174 hangar foam releases like this one. Only 37 of those were in re-

sponse to an actual incident. The other 137 were accidental releases.

If we are concerned about these toxic chemicals, certainly having them available for a dire firefighting need but released accidentally, it advantages no one. In fact, even in the 37 incidents that were in response to a fire event, none of those were in response to the fuel fire event that the building code requires these systems be installed to suppress.

What my amendment does, Mr. Chairman, in partnership with Mr. DESAULNIER, is to say that when we are having these conversations about how to restrict the use of these foams, we need to have the FAA present in those conversations, and we need to have the local enforcement authorities for fire and building code safety present in those conversations to prevent these types of releases, again, that advantage no one.

It is an opportunity to take what is a very well-intended effort to reduce the use of these chemicals and reduce it even further.

Mr. Chairman, I reserve the balance of my time.

Mr. TONKO. Mr. Chairman, I claim the time in opposition to the amendment, although I do not intend to oppose the amendment.

The CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. TONKO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bipartisan amendment builds on an important piece of this bill, the guidance for firefighters and other first responders to minimize their risk from PFAS chemicals. This provision was developed by Representative LIZZIE FLETCHER, and I thank her for her leadership on addressing this important concern.

Our first responders take enormous risks every day for the greater good. Cancer from occupational exposure should not be among those risks. Unfortunately, occupational-related cancers now account for 65 percent of the line-of-duty deaths for firefighters each year.

Last year, Pat Morrison of the International Association of Fire Fighters testified before my subcommittee on the impacts PFAS in firefighting gear have had on firefighters. This is the single largest health-related issue facing the firefighting profession.

I thank Representative FLETCHER for her work in protecting firefighters, and I also thank the gentlemen from Georgia and California for their efforts on this important topic.

Mr. Chairman, I urge my colleagues to support the Woodall-DeSaulnier amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. KHANNA).

Mr. KHANNA. Mr. Chairman, I rise in strong support of the PFAS Action Act.

The facts are that the industry, the Pentagon, and the EPA knew that PFAS are hazardous to health, yet we did not do anything as a Congress until Representative DINGELL had the courage to lead this act to get a bipartisan group together. I salute Representative DINGELL for her leadership.

I am proud to have sponsored the PFAS waste incineration act. The marked-up bill is included in the package. The provision requires the EPA to ensure all incineration of PFAS waste is done properly.

I thank Chairman TONKO and Chairman PALLONE for their leadership on this issue and also the ranking members for at least their work on the incineration part of PFAS and making sure that the waste is marked "hazardous."

Mr. WOODALL. Madam Chair, may I ask how much time I have remaining.

The Acting CHAIR (Ms. JACKSON LEE). The gentleman from Georgia has 2½ minutes remaining.

Mr. WOODALL. Madam Chair, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), who is the ranking minority member.

Mr. SHIMKUS. Madam Chair, I, too, rise in support of this amendment.

It is my understanding this amends section 18 to ensure the FAA, State and local building code inspectors, and fire marshals are at the guidance-making table. I understand the officers believe this will result in a broader collaborative dialogue that includes the risks posed by the use of foam suppression systems in aviation hangars. That would be helpful. I understand that, in aircraft hangars, foam systems are not being used by first responders pursuant to Federal regulations.

I have one question for the sponsor of the amendment about his intent with regard to one item. Is this amendment intended to open a dialogue about human health impacts or standards, or personal protective equipment requirements, responses, protocols, or anything like that?

Mr. WOODALL. I thank the gentleman for his question. Absolutely not. What the amendment does is it has language, Madam Chair, that inserts the words "or contact with" to make that point that firefighters are not using the foam; they are responding after the foam has already been used.

As Mr. SHIMKUS knows, when they come in contact with the foam in the course of their duties, it is our intent to lower the probability of any release of toxic foam on airfields. As I said, most of these releases are accidental releases. By bringing the building code inspectors to the table, we believe that we can reduce all instances of release without opening the dialogue on the topics about which he inquired.

Mr. SHIMKUS. I thank my colleague for the explanation.

I also would highlight that under this bill, airports are exempt from the Superfund liability. It does pose a ques-

tion of who cleans up the composed contamination on airports if we are going to protect airports from the liability. I guess airports went out; other communities do not.

Mr. WOODALL. Madam Chair, I will close by saying we may disagree about, again, the breadth of the overall legislation, but as it comes to this individual line-item, we are talking primarily about accidental releases of a very important firefighting foam but one that we know we want to reduce the usage of, the bipartisan partnership that we have created with the support of the chairman and ranking member. I am grateful to them for their leadership and support.

Madam Chair, I yield back the balance of my time.

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Mr. TONKO. Madam Chair, I remind everyone that PFOS/PFOA are dangerous contaminants that threaten individual lives and our communities, as our firefighters have pointed out, in various, various dimensions.

Madam Chair, I rise to support the amendment and the overall bill, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BURGESS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 116-366.

Mr. BURGESS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 2.

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Madam Chair, this amendment would strike section 2 of H.R. 535.

Section 2 of H.R. 535 requires the Environmental Protection Agency to designate the chemicals PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, also known as the Superfund, and to do this within 1 year of enactment, and requires a review of the entire PFAS chemical group within 5 years.

I believe this to be flawed for several reasons:

First and foremost, the Environmental Protection Agency is already undergoing a thorough examination of the chemicals known as PFAS. Section 2 circumvents the regulatory process and would deny any public notice, any public comment, or any scientific study before deeming PFOA and PFOS as hazardous chemicals under the Superfund.

Any substance designated as a hazardous substance under CERCLA attaches strict, joint and several, and retroactive liability conditions. If you had any stake in the production, any stake in the ownership or cleanup of such a substance, that party might be liable under the Superfund law. The public has a right to comment on the impacts of such an important measure.

Second, section 2 is simply impractical. In the 40 years since the passage of the Superfund bill, Congress has never specifically placed individual chemicals or chemical groups into statute as hazardous chemicals under this act.

In those 40 years, 800 chemicals have been added to this list through the regulatory process. The Environmental Protection Agency is currently aware of between 5,000 and possibly as many as 7,800 PFAS chemicals. The problem is we don't know how many exist. The EPA would not be able to properly evaluate the thousands of chemicals that make up the PFAS in only 5 years.

PFAS chemicals must be properly assessed with the best science possible. As currently written, section 2 of the legislation denies the EPA the ability to properly and thoroughly evaluate these chemicals and shuts out the public from commenting on the regulatory impacts, including the potential future development of safer PFAS chemicals.

Madam Chair, for these reasons, I urge support of the amendment, and I reserve the balance of my time.

Mr. TONKO. Madam Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, this amendment would strike the Superfund provision from this bill completely. It will significantly weaken this bill and leave hundreds of impacted communities in harm's way.

What does the Superfund provision in this bill do exactly? H.R. 535 lists only PFOA and PFOS under Superfund and leaves decisions for all other PFAS to EPA.

EPA has already committed to listing PFOA and PFOS under Superfund and has been working on the listings since 2018. So this bill does not pre-judge EPA decisions. EPA has already made those decisions.

The bill will speed up that listing so that cleanup of existing contamination starts sooner, which is critical. It also sets up a reasonable deadline for EPA to make decisions on other PFAS chemicals under Superfund to speed up any additional needed cleanups.

Superfund cleanups are essential to public health, and for impacted communities, they can be the difference between health and sickness, between life and death.

The question before Members on this amendment is whether cleanups of PFOA and PFOS should start right away or whether impacted communities can continue to wait.

While EPA drags its feet, people in hundreds of impacted communities across the country will continue to be exposed and continue to be harmed. Pollution will spread from these sites into the environment, into sources of drinking water, and into our agricultural resources. And eventual cleanups will become harder and more costly.

Madam Chair, impacted communities cannot afford to wait. I urge my colleagues, therefore, to vote “no” on this amendment, and I reserve the balance of my time.

Mr. BURGESS. Madam Chair, I yield 1 minute to the gentleman from Ohio (Mr. BALDERSON).

Mr. BALDERSON. Madam Chair, I thank the gentleman from Texas for yielding and for offering such an important amendment.

Madam Chair, I agree that section 2 of the underlying bill presents a grave problem.

PFAS were first used in the 1940s and continued to be used in a variety of everyday objects, including pizza boxes, food wrappers, nonstick cookware, stain-resistant furniture, water-resistant clothes, firefighters’ protective suits, and medical devices.

I support this amendment because it would prevent so many important materials from being labeled as hazardous without the scientific proof to back it up. We should not label all 5,000 of these materials the same way.

Madam Chair, I urge a “yes” vote on the amendment.

Mr. BURGESS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, PFAS chemicals must be properly assessed with the best science possible. As currently written, section 2 of this legislation denies the EPA the ability to properly and thoroughly evaluate these chemicals. We are literally making the perfect the enemy of the good.

Madam Chair, I yield back the balance of my time.

Mr. TONKO. Madam Chair, I yield such time as she may consume to the gentlewoman from Michigan (Mrs. DINGELL).

Mrs. DINGELL. Madam Chair, I thank the gentleman from New York for yielding.

Madam Chair, I rise in strong opposition to the gentleman’s amendment. Superfund is a landmark environmental law and an essential public health program that works.

There are contaminated sites all across this country that pose direct threats to human health and the environment because of pollutants like lead, mercury, PCBs, and asbestos. Superfund is the program that gets those sites cleaned up.

Superfund does not regulate the use of chemicals; it does not block the use of chemicals; and it does not assign liability for the use of chemicals. It only applies to the release of chemicals into the environment.

Some of my colleagues on the other side of the aisle have characterized

Superfund as a de facto ban. They say that the industry will so fear liability that they will abandon PFAS chemicals.

Experience shows that that simply is not true. There are hundreds of chemicals listed under Superfund that continue to be used in industrial and consumer products and by the Department of Defense. In fact, Superfund is designed to prevent releases of chemicals that are in continued use.

When a chemical is listed as a hazardous air pollutant under the Clean Air Act, EPA sets emission limits for that chemical that are implemented through permits. Facilities continue to use and emit those chemicals. At the same time, those chemicals are automatically listed under Superfund. The same is true under the Clean Water Act.

Madam Chair, the funny thing is that the two PFAS compounds covered by this bill, PFOA and PFOS, have already been phased out for more than a decade under a voluntary partnership between EPA and industry.

We have heard many concerns from my Republican friends about the specter of Superfund liability for different groups. These concerns are largely unfounded.

Drinking water utilities will handle PFOA and PFOS the same way they handle the hundreds of hazardous substances they currently remove from drinking water. The same will be true for wastewater utilities.

Farmers will continue to be able to use biosolids as fertilizer, just as they currently do, because Superfund already exempts fertilizer use. Manufacturers of airplane door seals and heart stents will be able to continue using the PFAS they currently use—all while impacted communities, like Michigan, will get the cleanup that they need.

The only change this bill makes in how Superfund operates is a limited exemption for federally required use of PFAS at airports. If this amendment were adopted, airports would lose that exemption. And if EPA eventually moves forward with listing PFOA and PFAS, as they have committed to do, EPA is not authorized to exempt airports. Only Congress can do that. So the airports need this amendment defeated, and they need this bill enacted.

A Superfund listing is an essential provision to accelerate PFAS cleanup nationwide. It is the foundation of the PFAS Action Act. By gutting it, we cripple our ability to serve and protect the American people responsibly.

Madam Chair, I join my colleague, the chairman of the Subcommittee on Environment and Climate Change, in urging a “no” vote on this amendment.

Mr. TONKO. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Chair is advised that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. HUDSON

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 116-366.

Mr. HUDSON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from North Carolina (Mr. HUDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HUDSON. Madam Chair, I rise today to offer my first amendment to H.R. 535, the PFAS Action Act.

For the last several years, my constituents and neighboring communities in North Carolina have dealt with contamination from the PFAS chemical GenX. The company Chemours has been discharging this chemical into the air as well as the waters of the Cape Fear River, a common source of drinking water.

To put it simply, my constituents are scared. They are frustrated because this has been an ongoing issue, and they don’t have enough information.

This is an issue that I have been working on for many years. I have demanded action by EPA, and I had the EPA come to Fayetteville and hear directly from our community.

At our community engagement event, hundreds of people attended, and many shared their concerns with the potential links between GenX and serious health problems.

I worked with our chairman to have an Energy and Commerce hearing, and we invited Emily Donovan, a founding member of Clean Cape Fear in North Carolina, to testify. Emily gave compelling testimony about her personal experiences and the many people who have “suffered from the trauma of cancer treatments, benign tumors, and terminal diagnosis.”

I have talked with many of my constituents, including one whose neighbor has cancer, and they don’t know if it is connected to GenX. They can’t get information about it, and they are worried about their own children.

This is about getting answers for our community. This is about making sure

my constituents are protected and the water we are drinking is safe.

Until I know the science behind GenX, until I know exactly what safe levels and unsafe levels of exposure are, until we can adequately clean up the exposure we have had in North Carolina, I am not going to be satisfied.

I have a letter here from Secretary Michael Regan of the North Carolina Department of Environmental Quality supporting this effort.

Madam Chair, I include that letter in the RECORD.

NORTH CAROLINA
ENVIRONMENTAL QUALITY,
Raleigh, NC, January 9, 2020.

Hon. RICHARD HUDSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HUDSON: As you know North Carolina has been at the forefront in dealing with the issue of emerging compounds. Because of the lack of guidance or action from the current U.S. Environmental Protection Agency (U.S. EPA), our state and others have taken the lead on the necessary investigations, scientific evaluations, remediation and enforcement actions for PFAS contamination caused by government and industrial uses.

It is clear that members of Congress, on both sides of the aisle, understand the urgent need to immediately address the contamination from PFAS chemicals, especially in North Carolina. The North Carolina Department of Environmental Quality appreciates the leadership you and the state's delegation are providing to advance the conversation surrounding PFAS and GenX as we continue in our mission to protect our state's water and air.

I look forward to continued dialogue with you and your colleagues to encourage the U.S. EPA to move more quickly to set PFAS health standards and protections. I hope that we can count on you and the entire delegation to push for much-needed resources and support to address current and future contamination and remediation needs involving these forever chemicals.

Sincerely,

MICHAEL S. REGAN,
Secretary, North Carolina
Department of Environmental Quality.

Mr. HUDSON. Madam Chair, while I understand it takes time to develop the scientific evidence to make these decisions, my neighbors are tired of waiting. We must act now.

My amendment adopts this common-sense approach and requires the EPA to investigate methods and means to prevent contamination by GenX of surface waters, including source waters used for drinking purposes. This will enable us to find the best ways possible to safeguard our waters both now and for future generations.

Madam Chair, I thank Chairman PALLONE, Ranking Member WALDEN, Chairman TONKO, Ranking Member SHIMKUS, and my good friend and colleague Mr. DAVID ROUZER all for working with me on this, and I urge the rest of my colleagues to support this amendment.

Madam Chair, I reserve the balance of my time.

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Mr. TONKO. Madam Chair, I claim the time in opposition, though I do not plan to oppose this amendment.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. TONKO. Madam Chair, GenX is a group of PFAS chemicals that have been a particular concern for several communities. Last year, the Energy and Commerce Committee heard testimony from a member of one of those communities, Emily Donovan, of the group Clean Cape Fear.

Emily testified about the burden of disease in her community, including her husband's cancer, and the burden of having to educate and protect her community without the protections and resources of our Federal environmental laws.

Her group, Clean Cape Fear, had to seek donations to install drinking water treatment for the public schools of her town so that the children could have safe water to drink at school. That is just not right.

So I appreciate these North Carolina Members raising the issue of GenX to help Emily and other people impacted by GenX. I thank the gentlemen for their amendment, and I urge my colleagues to support this amendment and this bill.

Madam Chair, I reserve the balance of my time.

Mr. HUDSON. Madam Chair, I yield the balance of my time to the gentleman from Illinois (Mr. SHIMKUS), the ranking member of the committee.

Mr. SHIMKUS. Madam Chair, my colleague, Mr. HUDSON, has led the committee's efforts to address GenX on behalf of his constituents in North Carolina. He has pressed EPA to complete its human health toxicity assessment on GenX using science.

This amendment takes the next step to focus EPA on ways to keep people's drinking water safe under GenX. This is a prudent step to harness the technical expertise of the EPA to identify ways to reduce contamination of the substance, which will be useful in connection with EPA's other work and will aim to stop future problems like those in Cape Fear River. I applaud my colleague and friend for his work.

Mr. HUDSON. Madam Chair, I have no further speakers. I yield back the balance of my time.

Mr. TONKO. Madam Chair, I support the Hudson amendment, and I encourage my colleagues to do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. HUDSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HUDSON

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 116-366.

Mr. HUDSON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from North Carolina (Mr. HUDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. HUDSON. Madam Chair, I rise today to offer my second amendment to H.R. 535, the PFAS Action Act of 2019.

As I have just described, the chemical GenX has been a major concern for my constituents for years.

As I have already stated, my constituents are scared, and they don't know what the long-term health effects of being exposed to these chemicals will be.

Madam Chair, we cannot wait to begin the cleanup of drinking waters that have been affected by these chemicals. While this bill is far from perfect, I am encouraged that it does create a PFAS Infrastructure Grant Program to provide assistance to community water systems affected by PFAS.

My amendment would simply clarify that communities like mine that have been impacted by GenX are eligible for grants under this section. It would not affect the program in any way, other than providing clarity and relief to the people of North Carolina.

I know that we still have a lot of work to do to solve the PFAS issue. I am committed to working with all Members of Congress, Republicans and Democrats, as well as State and local leaders to make sure we are taking care of our communities. Everyone deserves clean water.

Today, we are taking a positive step, and I look forward to continuing to work on this issue. I would urge all of my colleagues to support this amendment.

Madam Chair, I reserve the balance of my time.

Mr. TONKO. Madam Chair, I claim the time in opposition to the amendment, though I do not intend to oppose it.

The Acting CHAIR (Miss RICE of New York). Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. TONKO. Madam Chair, this amendment explicitly includes GenX chemicals in the definition of PFAS covered by the legislation.

I want to be clear that GenX are PFAS chemicals and are already covered by this provision, regardless of whether this amendment is adopted.

I am happy to support, however, the amendment because we absolutely mean for this funding to be available to remove GenX from drinking water. But

no one should interpret this amendment as implying that GenX are not already covered within the definition of PFAS.

I also want to mention one important thing about GenX. We have heard a lot today about how PFOA and PFAS are dangerous, but that newer PFAS might be safer. I want to make certain that everyone understands, GenX is one of those supposedly safer alternatives. It is a set of short-chain PFAS that were developed to replace PFOA.

GenX is a great example of why we need the moratorium on new PFAS included in this bill, because if EPA had the needed science in hand when GenX was introduced, communities in North Carolina, and nationwide, might never have been impacted.

That is what we are trying to accomplish with this bill. We want to help the communities that have been impacted and head off future harmful pollution.

I thank the gentlemen for their amendment, and I urge my colleagues to support this amendment and this bill.

Madam Chair, I reserve the balance of my time.

Mr. HUDSON. Madam Chair, I just want to say thank you to Chairman TONKO for working with me on this very important issue.

Again, folks back home in North Carolina are very concerned, to put it mildly. And so to give them a little bit of clarity, a little bit of certainty that GenX is covered means a lot to folks back home, so I appreciate the gentleman working with me on this.

Madam Chair, I yield back the balance of my time.

Mr. TONKO. Madam Chair, I appreciate the kind words from the gentleman from North Carolina. I appreciate working with him. I encourage my colleagues to support the Hudson amendment, his second amendment, and I will do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. HUDSON).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BALDERSON

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 116-366.

Mr. BALDERSON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman

from Ohio (Mr. BALDERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BALDERSON. Madam Chair, my amendment would require the EPA administrator to certify to Congress the agency has completed its own PFAS Action Plan before the underlying bill may be implemented.

My amendment acknowledges the concern for human health and the environment caused by drinking water contamination and enables the EPA, the appropriate regulatory agency, to improve the situation through careful science.

PFAS are synthetic chemicals used in a variety of products that have commercial, industrial, and military uses. These substances are often found in everyday objects and relied upon by Americans.

One of the most important uses is medical devices. PFAS materials are central components of many medical devices because they are bio-compatible, durable, and deemed safe for implantation when necessary.

PFAS, and, in fact, fluoropolymers, have lifesaving applications in medical devices, including heart patches and grafts, stents, and surgical mesh. They are found in catheters and other medical tubing and guide wires used in surgical patients and to treat thousands of diseases. These substances are even found in sterile coatings on hospital gowns, masks, and other tools needed to keep hospital settings sterile and fight infections.

In my district of Ohio 12, medical device producers make these critical products and contribute to improving patients' lives every day.

Clearly, not all PFAS are the same. To assert that all these 5,000-plus substances are hazardous in one move is not based on science and it is dangerous. That would call into question the already approved medical devices that are saving lives.

The better solution is to allow the EPA to do its work and look at each chemical on its own merits, rather than labeling the whole diverse class as hazardous.

I agree with the authors of this bill that we must be cautious with the use of chemicals and reduce their levels in our water supplies, but this cannot be done at the jeopardy of American patients.

That is why I am thrilled to learn about EPA's PFAS Action Plan, which the agency published last year in response to greater awareness of this issue and rising public health concerns. As part of this plan, the EPA works with Federal, State, and local partners to understand and act on known PFAS dangers.

The EPA plan is a comprehensive, cross-agency approach. It includes concrete steps to monitor, detect, and address PFAS contamination.

One major action worth noting that the EPA has already taken is the De-

cember 3 proposal to establish a maximum contaminant level. This important step toward public safety is currently under interagency review.

For the well-being of all Americans, we should support this plan's success.

Madam Chair, I reserve the balance of my time.

Mr. TONKO. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, I yield myself such time as I may consume.

This amendment would block implementation of the important public health protections in this bill until the EPA administrator certifies that its PFAS Action Plan is completed.

Let's be clear about something. This EPA is never going to complete that action plan. EPA has already failed to meet the weak deadlines it set for itself in that.

We were supposed to have a regulatory determination for PFOA and PFAS in drinking water. We do not. We were supposed to have designations of PFOA and PFAS under Superfund. In fact, in EPA's action plan they note that they started that activity in 2018. They haven't gotten it done.

We were supposed to have EPA action to require reporting of PFAS releases on the Toxics Release Inventory. We had to attach that to the NDAA to get it done.

And, by the way, Republicans supported taking that action on NDAA.

But even these specifics are giving this amendment too much credit. This is not a serious amendment because EPA's Action Plan is not designed to ever be completed. Many of the action items are characterized by the EPA itself as ongoing commitments.

Here is an example. EPA committed to holding responsible parties accountable for PFAS releases into the environment. That task is an ongoing commitment that can never be completed.

Evaluating new science, evaluating new PFAS, assessing new drinking water treatment technology, these are all things EPA will continue doing indefinitely.

In fact, one of the stated purposes of EPA's action plan is "preventing future contamination." When will EPA ever be done preventing future contamination?

So this amendment would actually block the important provisions in this bill from ever being implemented. It would harm public health and leave our communities worse off. I urge all of my colleagues to oppose this amendment.

Madam Chair, I yield back the balance of my time.

Mr. BALDERSON. Madam Chair, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. JOYCE).

Mr. JOYCE of Pennsylvania. Madam Chair, I thank the gentleman for yielding and for the opportunity to support this amendment to this deeply-flawed bill.

Madam Chair, I rise this evening in support of the Balderson amendment. H.R. 535 will have broad and significant impact on medical innovation and negatively impact patient outcomes.

PFAS materials have a variety of uses in healthcare, ranging from cardiac stents to the coating on contact lenses. Using innovative PFAS materials, surgeries such as those that were previously used to repair a child's congenital heart defect now no longer require risky, open heart surgery procedures and can simply be done as an outpatient with significantly less risks.

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The EPA is already working on its own comprehensive PFAS Action Plan, and we must listen to science rather than regulating new devices and treatments out of existence.

Here is the bottom line: We cannot ignore the benefits that some PFAS chemicals have given to humankind.

Madam Chair, I strongly urge the adoption of the Balderson amendment.

Mr. BALDERSON. Madam Chair, the administration has demonstrated that one of its top priorities is the research and necessary regulation of PFAS. Its ongoing commitment to public safety is responsible. Congress should allow the EPA to complete its work before casting such a wide net on labeling 5,000-plus PFAS as hazardous. This is an opportunity for Congress to be proactive rather than reactive.

I invite Members to join me in supporting thoughtful action to ensure the safety of the American public and our environment.

Madam Chair, I urge a "yes" vote on my amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BALDERSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. DELGADO

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 116-366.

Mr. DELGADO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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).

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from New York (Mr. DELGADO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. DELGADO. Madam Chair, today, I am pleased to offer this bipartisan amendment to strengthen this legislation aimed at addressing PFAS contamination in our communities.

Right now, communities in upstate New York continue to struggle with the impacts of PFAS contamination in drinking water. Residents of Hoosick Falls and Petersburg in Rensselaer County are living every day with the impacts of PFAS contamination, which we know include thyroid disease, birth defects, autoimmune disorders, and cancer.

Last year, Emily Marpe, who now lives with her family in Hoosick Falls, testified before the Energy and Commerce Committee about her experiences with contaminated water in her home in Petersburg, New York. Emily spoke about her experiences of being unable to drink the water from her faucet and having to sell her home and then test her blood as well as the blood of her children for PFOA.

What Emily described is all too common in my district, and it is representative of the experiences of communities across the country. This is why PFAS has been a priority of mine and so many in this Chamber on both sides of the aisle.

The PFAS Action Act is a critically important bill. My bipartisan amendment will strengthen this legislation and address another element of this crisis: indirect discharge. My amendment, which pulls from the PFAS Transparency Act, would make it illegal for an industrial facility to introduce PFAS into a sewage treatment system without first disclosing information about that substance.

Right now, companies can tap into a public wastewater infrastructure and introduce PFAS into our sewage systems, regardless of the local treatment plant's ability to effectively treat the contamination.

Most municipal water treatment plants are not equipped to effectively treat for PFAS contamination, which makes indirect discharges extremely

hazardous, particularly when not disclosed.

The PFAS Transparency Act establishes a commonsense requirement that industrial facilities disclose this information to treatment systems beforehand, meaning more transparency and accountability for our communities.

I would like to take this moment to recognize my coleads on this measure, Representatives CHRIS PAPPAS and HARLEY ROUDA. We introduced this PFAS Transparency Act alongside the bipartisan Clean Water Standards for PFAS Act of 2020, which would require the EPA to review PFAS discharges under the Clean Water Act and issue regulations to address harmful discharges of PFAS into our Nation's waterways.

These bills together take important steps to increase our understanding of PFAS in wastewater and address harmful discharges in our water system, both direct and indirect.

I urge this House to stand with our communities facing unthinkable consequences of PFAS contamination. Madam Chair, I urge a "yes" vote on this amendment, and I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chair, I reserve the balance of my time.

Mr. DELGADO. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from New York has 2 minutes remaining.

Mr. DELGADO. Madam Chair, I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Madam Chair, I thank the gentleman for yielding.

Under the Clean Water Act, many industries discharge directly to municipal sewage treatment plants rather than discharge directly to surface waters. To address this practice, the Clean Water Act established a pretreatment program, which allows sewage treatment plants to work with industrial discharge connections to ensure that any industrial chemicals are properly treated or that these chemicals do not disrupt the normal functioning of the sewage treatment plants.

However, a pretreatment program is only effective if the sewage treatment plant knows which chemicals are being introduced into their sewage treatment systems. Yet, there is no current Clean Water Act requirement that requires industrial discharges to tell the municipality that it plans to release PFAS-related chemicals into the sewage system.

This amendment offered by the gentleman from New York (Mr. DELGADO) would address this current loophole. I support this amendment, and I appreciate the good work that the gentleman from New York has done not

only for the residents of his congressional district but for the residents of this country. This is an important amendment. I appreciate the hard work he has done and the sensitivity he has shown.

Mr. DELGADO. Madam Chairwoman, I am prepared to close, and I want to use this opportunity to strengthen our defenses against these dangerous “forever chemicals” and protect our drinking water for generations to come.

Madam Chair, I urge a “yes” vote on this important bipartisan amendment, and I yield back the balance of my time.

Mr. SHIMKUS. Madam Chairwoman, I yield myself the balance of my time.

This amendment makes it illegal for an industrial facility to introduce PFAS into a sewage treatment system without first disclosing information about that substance. This amendment effectively would create an entirely new and duplicative regulatory program under the Clean Water Act.

This amendment is an ad hoc attempt at regulating PFAS without any consideration of whether or how these requirements would duplicate or mesh with the implementation of the EPA PFAS Action Plan or similar, already existing regulatory requirements under the Clean Water Act.

The committee of jurisdiction for this provision is the Transportation and Infrastructure Committee, and they have held no hearings and conducted no stakeholder or scientific community engagement or consultation on this issue. As a result, this amendment is nothing more than an automatic reaction to regulate in a vacuum without risk information and without an understanding of its consequences.

Madam Chair, I urge a “no” vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. DELGADO).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. PINGREE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 116–366.

Ms. PINGREE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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”.

The Acting CHAIR. Pursuant to House Resolution 779, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE. Madam Chair, I yield myself such time as I may consume.

I thank Chairman PALLONE and Congresswoman DINGELL for their leadership on PFAS issues, and I thank Congresswoman SPANBERGER, who is also a sponsor of this amendment with me.

I rise today in support of my amendment to H.R. 535, the PFAS Action Act of 2019. This bipartisan bill would take much-needed and long-overdue action on these forever harmful chemicals.

These pervasive and dangerous chemicals pose serious risks to both human health and to our environment, and the delay in taking action on them has been inexcusable. They are known hormone disruptors, and studies link exposure to them to kidney and testicular cancer, thyroid disease, and other health problems.

PFAS chemicals are concentrated in human and animal blood and tissue and can remain there for years. It is estimated that 99 percent of Americans have PFAS in their blood.

In my home State of Maine, PFAS was first discovered from the groundwater at former military installations from firefighting foam, but PFAS has also been found in our public water supplies, soil, animal products, and household products like cookware and carpets.

A 2015 review by the Environmental Working Group showed the majority of PFAS in homes comes from its presence in carpets and textiles. The U.S. Centers for Disease Control named carpet as the number one source of PFAS exposure for infants and toddlers, who, as you can imagine, spend a lot of time playing, lying, and crawling on carpets.

My amendment would expand the Environmental Protection Agency’s Safer Choice label to additional household products, including carpet, rugs, clothing, or upholstered furniture certified not to contain PFAS. This change would prompt manufacturers to develop safer alternatives and help consumers find and buy healthier products for their homes.

I urge my colleagues to join me in taking action for the health of our communities and the environment and vote “yes” on my amendment.

Madam Chair, I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chair, I reserve the balance of my time.

Ms. PINGREE. Madam Chair, I yield 1 minute of my time to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Madam Chair, I thank the gentlewoman from Maine for yielding.

I support the Pingree-Spanberger amendment, which would expand the voluntary label for PFAS-free products to include carpets, rugs, clothing, and upholstered furniture.

The PFAS-free label created under this bill was developed by Representative SOTO to help consumers who are trying to protect themselves from PFAS risks. I thank Mr. SOTO for his work on that provision.

Expanding that label to cover carpeting, rugs, clothing, and upholstered furniture makes great sense. Recent data suggests that those consumer products can be a significant source of PFAS exposure and that PFAS-free products are available on the market. Currently, consumers have no clear way to know which rugs have PFAS and which do not.

Manufacturers that are taking steps to produce these items without PFAS have no way of distinguishing their products in the marketplace. This amendment will give them that tool.

I congratulate both Representatives PINGREE and SPANBERGER for their sensitivity to consumers by placing this amendment before us. I urge my colleagues to support the amendment and the overall bill.

Ms. PINGREE. Madam Chair, consumers have the right to know what harmful chemicals are in their homes, and they should have the ability to choose products that keep their families and their environment safe.

Madam Chair, I urge my colleagues to vote “yes” on my amendment, and I yield back the balance of my time.

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Mr. SHIMKUS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this amendment expands EPA’s Safer Choice program to include carpets, rugs, clothing, and upholstered furniture that do not contain PFAS.

The Safer Choice program was not meant to cover products like this, and it will be extremely expensive and time-consuming to do so. Revisions to the program of this type are not consistent with the intent of the program and would require significant changes to the program to implement it effectively.

To establish this standard, EPA would have to hold listening sessions and propose and finalize changes to the Safer Choice standard. Public involvement would have to be substantial.

Most importantly, for consumers’ information, labeling indicating the absence of PFAS does not necessarily mean a safer product, which undermines the purpose of the EPA program.

In addition, when bisphenol A, commonly known as BPA, was used in baby bottles, companies and retailers who made bottles with other substances had no problem labeling their products as BPA-free.

In some ways, this is a taxpayer-funded advertising campaign for corporations that can cut commercials for their products themselves.

In some ways, the Federal Government needs to get into this area. A better way would be to have a collaborative among the EPA, the Consumer

Product Safety Commission, the Federal Trade Commission, and the Food and Drug Administration to make recommendations on how to convey any risk from these products.

This is not the right way to address this issue.

Madam Chair, I would urge a “no” vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. KILDEE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 116-366.

Mr. KILDEE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from Michigan (Mr. KILDEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. KILDEE. Madam Chair, I yield myself such time as I may consume.

One community I represent is Oscoda, a small town in the northern part of my district. It was once the home of the Wurtsmith Air Force Base.

Even though that base closed more than two decades ago, the Oscoda community is now dealing with PFAS contamination from the base that is leaching into their drinking water and the nearby lakes.

For years, I have been fighting to help the people of Oscoda clean up PFAS contamination.

In January of last year, 1 year ago, I, along with Congressman BRIAN FITZPATRICK, founded the bipartisan Congressional PFAS Task Force to bring Republicans and Democrats together to address this growing and urgent public health threat. We now have 50 members up from the 14 members that we started with. As more Members of Congress learn about contamination in their districts, they are joining this movement.

We are beginning to know the problem, and we know that we have to do more urgently to act to clean up and address PFAS in the environment.

That is why I am a strong supporter of the bipartisan PFAS Action Act, a bill pushed through the Energy and Commerce Committee with the support of many Members, but most importantly, my Michigan colleague, Congresswoman DEBBIE DINGELL.

According to the Environmental Working Group, over 100 million people are exposed to PFAS in their drinking water. This isn't acceptable. Every American deserves clean drinking water.

The PFAS Action Act will help protect families from PFAS in their drinking water, lakes, rivers, and streams and in the air by requiring PFAS to be listed under the Safe Drinking Water Act, the Clean Water Act, and the Clean Air Act. It will also require polluters and corporations to clean up their PFAS contamination through CERCLA.

It is important that Congress acts, because the Trump administration has not.

While the EPA and the Defense Department both have had authority to protect the public from PFAS, they have so far failed in their responsibilities to address this public health crisis.

The EPA has run a public relations campaign to convince us that they care about PFAS but has failed to act to regulate these dangerous chemicals, even missing their own promised deadlines to act.

Just this week, the White House signaled that it would likely veto this legislation. In threatening to veto this bill, President Trump and his administration clearly are siding with polluters instead of protecting the health of the American people.

This act represents a continued push by this bipartisan group of legislators for much-needed legislation to clean up PFAS and to safeguard us from these chemicals.

Some of the provisions in this bill were taken out of the recently passed NDAA by Senate Republicans, who sided again with President Trump and the administration on behalf of corporate polluters to block these provisions from becoming law.

While we were able to include many good PFAS provisions in the NDAA, including phasing out of firefighting foam, requiring polluters to report when they release PFAS into the environment, and allowing for a nationwide study of PFAS contamination, many of these critical provisions were ultimately blocked by Senate Republicans. The House will continue to act to protect public health and urge action for Oscoda and so many other places around the country.

I also, obviously, urge the passage of my amendment, which would promote transparency and streamline EPA resources to help people potentially exposed to PFAS and other contaminants to understand better what their test results mean.

In the U.S., well water is essentially unregulated. For the 43 million people in our country with well water, when they get testing results back, it is hard for them to understand how it could impact their family's water supply.

Under this amendment, the EPA website would be simplified and streamlined, making it easier for millions of American families to understand the threat they face.

Madam Chair, I thank my colleagues, Congressman KIND from Wisconsin and Congressman GALLAGHER, for supporting me with this amendment. I encourage its adoption.

Madam Chair, I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chair, I reserve the balance of my time.

Mr. KILDEE. Madam Chair, I urge my colleagues to adopt this.

Just to be clear, I support the underlying legislation, obviously. The amendment simply requires that we provide an opportunity for people who are potentially going to be affected by PFAS, particularly in drinking water but also from other sources, to be able to understand easily the threat they face.

Madam Chair, I urge my colleagues on both sides of the aisle to support this. Ultimately, this amendment is about making sure people are armed with the information that they need to protect their families.

Madam Chair, I yield back the balance of my time.

Mr. SHIMKUS. Madam Chair, I appreciate my friend and colleague from

Michigan. He has been very active on this issue for many years now, and I respect his intensity and his efforts. A couple of things, because a lot of the debate was initially just on the overall bill.

It is the Senate that caused us not to enact all these provisions in the NDAA. That is why they are on record as not going to move this bill.

We did have a chance for the Safe Drinking Water Act to be included in the final piece of legislation. That was blocked by someone, and now, here we are.

The President has threatened to veto the act. You are correct about that.

Mr. KILDEE also raised the benefits of what we did do, and I listed them earlier, from the EPA to mandate that drinking water systems monitor for unregulated PFAS, provide grants to communities, require new reporting of PFAS under the Toxics Release Inventory program, require manufacturers and processors of PFAS to submit health and safety information—these are all law today—restrictions on new uses of long-change PFAS, guidance for appropriate destruction of per- or polyfluorinated compounds, require the Federal Government to work expeditiously with States to enter into binding cooperative agreements. That is particularly important for the gentleman's State, which was a success. Of course, I have many more.

I would also like to highlight the appropriations bill, which included \$2.8 billion for the Clean Water and Drinking Water State Revolving Fund, with that \$20 million going for this issue.

You do adequately highlight the success that we made at the end of last year on these two programs. We don't want to diminish the success. I know it is not as far as a lot of people wanted to go, but there was some success.

To your amendment, it is a federalism debate. Water wells in States are regulated, controlled, and tested by the States, not the EPA.

Under this amendment, the Federal Government would have to collect and manage information about individuals and their property. This amendment, both broad and vague at the same time, would be an enormous expansion of the Federal Government into an area that has been governed by States.

If these wells in the gentleman's State are not being tested, they are not being tested by his State, and I know his State is very aggressive.

Mr. KILDEE. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman from Michigan.

Mr. KILDEE. You raise an excellent point. The issue is, we could mandate, if you would choose to, that States provide information on a website that is easily discernible. The problem is that while wells and other sources may be tested—I don't know if you have had the opportunity to read the published tests from those examinations. The idea of the amendment is not just to

see that the information is somehow available somewhere but available in a fashion that is easily discernible by people who are not scientists.

Mr. SHIMKUS. Reclaiming my time, so you are saying your State is not capable of doing it themselves? I mean, your State health department can't do the research?

You are also talking about private wells on private property, bringing the Feds in to list the water systems for that. Obviously, under the system of Federal Government, we are raising some concerns on that amendment.

Let me continue. If I have some time, we can go on.

In addition to State departments of health that certify the laboratories—it is your department of health that certifies the laboratories that test the water, not EPA, as this legislation implies.

It would place a lot of burdens on EPA to carry out a program that States and local governments could more easily and appropriately handle. It would also likely take more than a year to establish this program, which is all the bill provides in this statutory language.

I believe this amendment also places serious unfunded mandates on States.

Finally, I have questions about whether the information being collected and disseminated under this amendment can be done in a way that meets the proper risk communication strategies called for in the Brown amendment.

That is why we have problems with this amendment.

Mr. KILDEE. Will the gentleman yield?

Mr. SHIMKUS. I yield to the gentleman, my friend.

Mr. KILDEE. I appreciate the gentleman's concern.

I think we may simply have a disagreement as to whether or not there is a legitimate Federal role in ensuring that this information is readily available.

I understand the point about States, but I believe this is a national interest in part because it is the Federal Government very often which is the biggest culprit here.

The community, for example, that I represent in Oscoda, where so many individuals had their private wells affected, they were affected by the Federal Government's poisoning of the groundwater.

Mr. SHIMKUS. I wish I could debate longer, but my time has expired.

The Acting CHAIR. The time of the gentleman has expired.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. TONKO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 116-366.

Mr. TONKO. Madam Chair, as the designee of the gentlewoman from

Michigan (Mrs. LAWRENCE), I rise to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Madam Chair, I yield myself as much time as I may consume.

I thank Congress Member LAWRENCE for her work on this amendment.

The amendment, Madam Chair, is simple. It would ensure that the public is notified when any additional chemicals in the PFAS family are designated as hazardous substances.

More specifically, this amendment requires the EPA to publish its determinations on the remaining PFAS chemicals on its publicly accessible website within 60 days.

Public reporting helps communicate how government is working for the people. For agencies like the EPA, full transparency is necessary to inform our communities about threats to public health and the environment.

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Our constituents have the right to know exactly what contaminants are in the air we breathe and the water we drink. As she noted in her statement in support of her amendment, in her home State of Michigan, she knows the importance of clean air and clean water from firsthand experience.

We know threats to our environment and public health do not discriminate, and the Representative concludes that she knows that, too often, it is the most important unrepresented and disadvantaged communities that are left behind.

Mr. Chair, I urge support for the amendment from the gentlewoman from Michigan, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR (Mr. BRINDISI). The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chair, while I will not oppose this amendment, this section, in particular, is objectionable. But putting Agency decisions on their website sounds like a reasonable proposal.

I am concerned about the timing of 60 days—that would be something that the Agency can do without a problem—and would have preferred that the Agency was invited to testify on sweeping an antiscience bill and its implications.

I do not intend to oppose this amendment, and I yield back the balance of my time.

Mr. TONKO. Mr. Chair, I thank the gentleman for his support of this amendment, and I encourage my colleagues to support the amendment and the overall bill.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MISS RICE OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 116-366.

Miss RICE of New York. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The Acting CHAIR. Pursuant to House Resolution 779, the gentlewoman from New York (Miss RICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Miss RICE of New York. Mr. Chair, my amendment would expand the PFAS Infrastructure Grant Program by 25 percent and designate the increased funds for reimbursing water districts that have already started to address the PFAS water crisis.

Like many communities across the Nation, Long Island, my district in New York, played a major role in the industrialization of America. Industrialization brought unparalleled economic growth, innovative new technologies, and transformed society as we know it.

But with these great societal gains also came unintended consequences, like PFAS drinking water contamination.

PFAS are toxic chemicals found in paint, cleaning products, packaging, and countless other products; and too often, they find their way into our drinking water systems.

According to a May 2019 study by the New York Public Interest Research Group, Long Island has the most contaminated drinking water in New York State, and Nassau County has the highest number of water systems with detected emerging contaminants, including PFOA and PFOS.

For years, water districts across the country have had to invest millions of their own dollars on technology to secure impacted wells and keep their residents safe. These costs have crushed our local communities, and that is why I have offered this amendment today.

Communities that could not wait for Federal action and that quickly redirected resources to address this immediate health threat should not be punished. The Federal Government failed to address this threat for decades. The least we can do now is help reimburse the costs incurred by local water districts that acted when Congress failed to do so.

Without this Federal reimbursement, costs could be unfairly transferred to residents in the form of higher water utility bills. We cannot let this happen. Residents should not be left with the bill when they had no responsibility for the crisis.

I would like to thank my colleagues from Long Island, Representatives PETER KING and TOM SUOZZI, for co-leading this amendment with me, and our other bipartisan cosponsors, Representatives FITZPATRICK, GRIJALVA, CISNEROS, and STEVENS, as well.

This is a commonsense bipartisan priority, and I urge all of my colleagues to support my amendment to help these communities.

Mr. Chair, I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chair, I reserve the balance of my time.

Miss RICE of New York. Mr. Chair, I am prepared to close.

Mr. Chair, I want to thank Chairman PALLONE for supporting the amendment, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I will use the time that I have available.

This amendment provides reimbursement funding for treatment technologies that were purchased up to 5 years ago. The program for which this amendment is offered is supposed to aid communities that have demonstrated problems and are economically disadvantaged and cannot afford the new technology because of the expense. That is why we have the program.

This amendment suggests that community water systems that had the means and no expectation of Federal funding to pay for them get money for past work. It does not seem a fair use and diversion of taxpayer resources considering the expense of the technology that can currently meet the criteria of an eligible technology and the unknown nature of the communities that might need it.

According to the EPA, there are few, if any, reverse osmosis treatment options that are economically viable on a

mass scale that would remove all detectable amounts of PFAS.

I understand the intent of the legislation, but our grant and loan programs are designed for communities that can't afford the expense. What my colleague is asking is that those communities that could and did make the investment, that they then be reimbursed, thus depriving communities that can't afford to do it an opportunity to obtain it.

Mr. Chair, that is why we object to the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Miss RICE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. BROWN OF MARYLAND

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 116-366.

Mr. BROWN of Maryland. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from Maryland (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BROWN of Maryland. Mr. Chair, I yield myself as much time as I may consume.

I want to first thank Chairman PALLONE, Chairman TONKO, and Congresswoman DINGELL for this comprehensive package.

We know PFAS-related substances remain in our bodies and environment for years, if not decades. Coupled with widespread consumer use and pollution, PFAS toxins could result in long-lasting public health problems.

This legislation confronts PFAS contamination, spurs cleanup efforts, and sets a drinking water limit. It is critical for government agencies to inform the public of the risk posed by PFAS-related substances.

My amendment would require the EPA to develop a national risk communication strategy to share the best

available science about PFAS and its hazards, notify the public about risks and mitigation measures, and consult with States with effective statewide risk communication strategies of their own.

In my home State of Maryland, PFAS has been identified in the water at eight DOD installations, tainting neighboring communities' local wells and seeping into the Chesapeake Bay watershed. I am proud that Maryland is committed to PFAS transparency and research and is taking this issue seriously.

Mr. Chair, there are some communities that are especially vulnerable to PFAS exposure, among them, firefighters at military installations. To stop the spread of fire at training sites, fire departments use a type of firefighting foam that contains PFAS-related substances.

Over the course of their careers, these firefighters put themselves in harm's way, unaware of the toxicity of these chemicals and the health issues they can cause down the road. We owe these servicemen and -women an unrecoverable debt, and it is our duty to communicate to them the hazards that they were exposed to while risking their lives protecting the public.

Whether it is former firefighters, military families living on bases, or the American people at large, the exchange of information between communities, risk assessors, and scientists is critical.

As we continue to learn more about the full range of health problems linked to PFAS, we must also communicate that risk to the public. Sharing this risk, the knowledge of the risk, is an important step to give the public the resources they need to defend against PFAS contamination and the adverse health impacts it can cause.

Madam Chair, I encourage my colleagues on both sides of the aisle to support this amendment and the underlying bill, and I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I claim the time in opposition to the amendment, although I do not oppose it.

The Acting CHAIR (Miss RICE of New York). Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. SHIMKUS. Madam Chair, I reserve the balance of my time.

Mr. BROWN of Maryland. Madam Chair, I yield such time as she may consume to the gentlewoman from Michigan (Mrs. DINGELL).

Mrs. DINGELL. Madam Chair, I thank the gentleman from Maryland for yielding.

I rise in support of the gentleman's amendment. By requiring the EPA to develop a national risk communication strategy surrounding PFAS, the Federal Government will be better able to educate Americans and inform the public about the danger of PFAS chemicals.

Experts believe that 99 percent of Americans have some level of PFAS in their blood, and most of them don't even know it.

I thank the gentleman for his strong leadership in addressing the PFAS crisis head-on and thank him for offering this amendment.

Incorporating this amendment will make the PFAS Action Act stronger and communicate the urgency to more people. I am proud to support this amendment and urge all of my colleagues to support it as well.

Mr. BROWN of Maryland. Madam Chair, I yield back the balance of my time.

Mr. SHIMKUS. Madam Chair, we support the amendment because we think it is important to have a national risk communication strategy.

We get troubled and we get confused in this debate when we are going to declare 7,866 chemicals toxic without doing the basic science. Hopefully, as we move this forward, I believe we are going to find some of the 7,866 that are safe, so when we do a risk advisory, we are going to be able to say: These are bad; these are okay.

What the bill does is just say they are all bad, and we don't have any science to prove that. I think we are close on PFOA, and we are close to that on PFOS.

Again, we could have moved in a bipartisan manner to address those. We didn't do that. But we would like, as the EPA considers this and informing the public, that they look at hazard identification, exposure assessment, and a risk characterization.

So risk is a combination of time and exposure over a period of time. You can talk to toxicologists. That is what they do. That was the glue that held the TSCA bill together was the focus on using science.

Again, as you have heard tonight and you will hear tomorrow, our problem is that we are rushing legislation before we are allowing the science to truly evaluate this, and we are classifying, currently, all 7,866 as hazardous, which I don't believe they are.

We have never, in the history of this Republic, under the Superfund Act, legislatively banned a chemical. We have always allowed scientific process.

So I think the amendment is helpful in that it helps us be able to clarify when we do the scientific analysis what is safe, what is not.

Informing the public is good. Transparency is great. We support the amendment. We appreciate the gentleman bringing it forward.

Madam Chair, I yield back the balance of my time.

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The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BROWN).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. PAPPAS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 116-366.

Mr. PAPPAS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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).

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from New Hampshire (Mr. PAPPAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. PAPPAS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, for decades, Americans have been exposed to toxic PFAS chemicals and there are not sufficient protections in place to safeguard our communities, our drinking water, and our environment. Americans are getting sick from these forever chemicals that are known to cause cancer, immune disorders, and thyroid problems, among other serious health conditions.

I represent so many tireless advocates and concerned citizens in New Hampshire who have identified this threat in their own communities and raised our collective consciousness about the dangers of PFAS.

I have heard about PFAS from too many servicemembers and their families who were exposed to high concentrations in drinking water on a base.

I have heard about it from residents who have had their private wells contaminated by a manufacturing plant.

I have heard about it from families who live near a landfill where PFAS-laden waste was dumped, an area that also has some of the Nation’s highest cancer rates.

We must recognize that we are only having this conversation today because of advocates like them across the country who have sounded the alarm. It is about time we implement policies that address the widespread contamination that exists in every one of our districts.

We would be negligent if we fail to do so.

I am offering an important, bipartisan amendment to this legislation that is based on a bill that I have filed, the Clean Water Standards for PFAS Act. If we want to truly protect the public from PFAS, we must stop pollution which continues today. We must prevent industry and other polluters from dumping PFAS into rivers, streams, and other bodies of water, and further contaminating the environment.

This amendment calls on the EPA to set and enforce proactive limits for PFAS discharge. It also requires EPA to issue pretreatment standards for polluters who discharge PFAS directly to water treatment facilities. This amendment also creates a grant program to provide assistance to treatment facilities, ensuring that municipalities have the resources to meet

these requirements that will help keep our communities safe.

My constituents deserve clean water. There is nothing more important than the health and safety of our communities, and we must work together to stop PFAS from getting into the environment and poisoning our drinking water.

Madam Chair, I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chair, I reserve the balance of my time.

Mr. PAPPAS. Madam Chair, I urge all of my colleagues to vote in favor of this amendment. And I want to thank all of those who have stepped forward to address this issue, including the bipartisan Congressional PFAS Task Force as well as the coleads of this particular amendment, Representatives ROUDA, DELGADO, FITZPATRICK, KUSTER, CISNEROS, and KILDEE.

I really appreciate the discussion here today. It is about time that we go beyond action plans and actually implement some policies that are going to affect people’s lives in a positive manner back home. I urge adoption of this amendment and the underlying bill.

I yield back the balance of my time. Mr. SHIMKUS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I understand this reflects an effort to improve this proposal from when we considered it under the National Defense Authorization Act, but I don’t know what has changed or what it means since there has been no hearing or a markup record for me to consult to better appreciate this proposal or its impacts.

There are 7,866 per- and polyfluorinated compounds listed on EPA’s PFAS master list, an uninformed policy could carry massive unintended consequences on the liability and regulatory forms.

As I read it, this amendment continues an antiscience mindset that seeks to regulate first, without adequate knowledge or understanding of the per- and polyfluorinated compound situation and then say, okay, we will figure it out later.

This amendment covers PFAS substances that may not necessarily be what chemicals the industry is currently using, and simultaneously mandates creating new standards for every measurable PFAS chemical substance. This means EPA will be forced to divert resources to chase those PFAS that are no longer in use and may not be necessary.

The amendment requires EPA to regulate PFAS compounds through the Clean Water Act without validated analytical methods for detection in wastewater; without established science or human and environmental impacts to determine appropriate and

legally, scientifically defensible standards; and without an understanding of how best to treat and remove pollutants from wastewater, even if there was a validated method for detection.

The deadline in this amendment will likely make EPA's work to implement it vulnerable to a legal challenge, delaying any real benefit that the proponents want from it, and enriching the trial bar in the process.

Madam Chair, I urge my colleagues to vote "no" on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Mr. PAPPAS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PAPPAS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire will be postponed.

AMENDMENT NO. 14 OFFERED BY MS. PLASKETT

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 116-366.

Ms. PLASKETT. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

The Acting CHAIR. Pursuant to House Resolution 779, the gentlewoman from the Virgin Islands (Ms. PLASKETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

Ms. PLASKETT. Madam Chair, I rise in support of this amendment.

This amendment is simply a correction. It would make the United States territories eligible for additional Safe Drinking Water Act funding authorized to address emerging contaminants like PFAS.

Today, we are discussing PFAS, toxic chemicals that have posed adverse public health risks and have persisted because they could not break down. Their carbon fluoride bond is the strongest

bond in nature, so PFAS contamination is continuing to be found all across the country: in the water, air, and soil. It has been extraordinarily widespread.

EPA has acknowledged that millions of people in this country receive drinking water with PFAS over the health advisory limit, and the United States territories have been no exception to this.

It has been a serious issue for communities that have been impacted, and more and more communities will be known to be impacted. A lot of those who have detected it are taking actions, which are expensive, to remove it from the drinking water.

That is why this bill, as reported out of the Energy and Commerce Committee and under the recent NDAA, provides new grant funding to assist water utilities struggling with this issue, contamination in the drinking water and others.

However, as currently written, this grant funding has only been made available to States through the Drinking Water Act's State Revolving Fund program, which does include the District of Columbia and Puerto Rico, as States, but not other U.S. territories, which are generally provided with a separate reservation of overall program funding annually.

My amendment simply corrects this new program to permit the EPA to provide such grants to these American territories, including my district in the U.S. Virgin Islands, to assist their water utilities with PFAS treatment if it is found.

These territories have some of the most severe needs for Federal assistance in the area of clean water and drinking water-related infrastructure, and these needs have historically tended to be woefully underfunded.

They often have received less on a per capita basis than a number of similarly situated States. If Congress is to assist American communities with the removal of toxic PFAS from drinking water, it is only fair to include all American territories as eligible to receive this assistance.

I urge approval of my amendment as simply a matter of fairness. I would also take this opportunity to gently remind my colleagues to please consider Americans in territories in developing legislation intended to assist all Americans.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Madam Chair, I reserve the balance of my time.

Ms. PLASKETT. Madam Chair, in closing, I would like to just acknowledge to the Chair the support of the Energy and Commerce Committee, particularly my good friend, Mr. TONKO from New York, as well as Congresswoman DEBBIE DINGELL, for intro-

ducing this legislation and all of the staff that has worked on this.

I urge adoption of this amendment as part of fairness to all Americans who face this issue, and I yield back the balance of my time.

Mr. SHIMKUS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, we all support the territories having funding to address their drinking water needs. The biggest concern is, the territories really operate from a different system because they don't have the loan program. They don't really have the money to pay back the loan program. So there is a system by which grant funding is awarded to the territories to make up this need.

So the concern is that the amendment may disenfranchise the States from taking from the revolving fund program, when the territories, historically, because they don't use that, they get more grant money. So that is why we oppose it. We think it is going to impact the States' ability to apply for these funds, and we think that the territories have a different method of grant funding to meet their qualities and needs.

I request a "no" vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from the Virgin Islands (Ms. PLASKETT).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. BRINDISI

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 116-366.

Mr. BRINDISI. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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".

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from New York (Mr. BRINDISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BRINDISI. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I want to thank my colleagues from across the aisle, Mr. REED from New York and Mr. GALLAGHER from Wisconsin, for their support of this amendment.

Support for clean air and protecting public health are not Democratic or Republican values. They are American values, and I am glad to work with my colleagues on this commonsense amendment.

My amendment is straightforward. First, it requires immediate action on the most dangerous types of PFAS, including PFOA, which has been found at elevated levels in drinking water in many communities, including Hoosick Falls in upstate New York.

For these obsolete chemistries, EPA would be required to swiftly list these and hazardous air pollutants under the Clean Air Act. While we take action on the chemicals of greatest concern, we will also give the EPA time for a thoughtful, science-based process that acknowledges the differences across PFAS chemicals.

Our amendment will give the EPA 5 years to establish risk-based standards that protect human health and the environment for the many other types of PFAS chemicals.

This will bring the Clean Air Act provisions into line with the CERCLA provisions in this bill. We need to be thoughtful in this process. Protecting public health will make sure that our decisions are informed by the best science available.

This amendment is a commonsense compromise that strikes that balance. I, again, thank Congresswoman DINGELL and Chairman PALLONE, as well as Chairman TONKO for their work on this important legislation, and their willingness to work with me on our amendment.

I thank Congresswoman STEVENS for her work raising the issue of air contamination when it comes to PFAS chemicals.

I urge adoption of my amendment, and I reserve the balance of my time.

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Mr. SHIMKUS. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, I reserve the balance of my time.

Mr. BRINDISI. Mr. Chairman, I again urge adoption of my amendment, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is a good attempt to try to bring some sense to this bill, and I appreciate my colleague's attempt.

What the amendment does is it really creates unachievable expectations. There are a lot of problems with the amendment, but one is that you are

asking for a final rule within 100 days, especially if it is not proposed, which is going to set up a deadline suit.

I have dealt with deadline suits. You got a deadline, and they can't meet it, then the agency gets sued.

Why do we pay utilities to hold nuclear waste? Because they have enacted a deadline suit because we say we are going to take their waste, the Federal Government. We didn't take their waste, and now we have to pay the utilities to hold the waste that we were supposed to take.

That is one issue that I have a concern.

Mr. Chairman, 7,866 compounds, Clean Air Act aspects, and you are going to have, as I used numerous times during the National Defense Authorization Act debate, as I have used on the rule debate, these 7,866 different aspects of PFAS we are coming to the floor not using science, not using due diligence, but using political science to say ban it.

Our argument has always been to let's do the science. The problem is, science takes a long time, and the political emotion of this debate just can't wait.

We have addressed a lot of these concerns everybody raised throughout the night through the enacted National Defense Authorization Act and by the omnibus bill. But if you look at the F-16 and the component parts, and we could have an automobile in the new electric vehicle era, new battery technology, medical devices, they are all going to have some type of per- or polyfluorinated compounds.

This amendment with the bill really is a de facto ban on the use of all per- and polyfluorinated compounds, or it is going to scare the producers of this, that they don't want to get caught in a litigation trap, so they are just not going to produce it.

We have talked about firefighting foam quite a bit tonight. It is really a great debate because we do think there is some bipartisan nature that we can get to on that chemical.

If you are in a nuclear sub underneath the Arctic icecap and a fire happens on the sub, do you want the second-best firefighting foam? I mean, really, do you? The second-best means it takes more time, and it takes more water. I don't think you do. But this is where we stand.

The amendment creates both an unrealistic burden and a litigation problem, and the EPA cannot possibly fulfill our requirement to review all PFAS for inclusion in the clean air policy in 5 years. We only have 29 methods of determining per- and polyfluorinated compounds right now, just 29. There are 7,866, and the amendment says to do it in 5 years.

I wish it could be done. I have been here a long time. Government moves slowly. When we throw all these sites into the Superfund, people are going to be hollering about it for 40 years. I read the list earlier of all these Superfund

sites that haven't been remediated. Now, we are just going to expand that. Pull up the map of the country and all those red States, either that is going to be where all the Superfund sites are or that is where all the class action lawsuits are going to be filed in those States to take down those companies that are providing either safe medical devices or equipment for our career and best airplanes and technologies.

Again, I want to applaud my colleague. I think this is something we could have done. We actually were talking about this in a compromise provision. We couldn't get there because of other issues. It is a valiant attempt. My friend is in the majority, and it is going to pass. Unfortunately, the Senate is not going to take up this bill, and the President already has a veto message on the bill. So it will be tied up for the next Congress, and I wish the gentleman luck.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. GOLDEN). The question is on the amendment offered by the gentleman from New York (Mr. BRINDISI).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. BRINDISI

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 116-366.

Mr. BRINDISI. Mr. Chair, I rise to offer an amendment as the designee of the gentleman from New Jersey (Mr. KIM).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from New York (Mr. BRINDISI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BRINDISI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague, Congressman KIM, for writing this amendment, and I rise on his behalf to offer it tonight.

This amendment is straightforward. It ensures that the list of technologies that are most effective in removing PFAS from drinking water are made public and available for public comment prior to final publication. This will allow healthy debate and discussion by scientific experts, universities, industry, and the public to help understand the most effective means of cleanup. By allowing the public to see this information, we can help ensure the EPA is putting our best ideas and methods toward cleaning up these chemicals and making our drinking water safe.

Mr. Chairman, I urge adoption of this commonsense amendment, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I rise in opposition to the amendment, but I do not plan to object to it.

The Acting CHAIR. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. SHIMKUS. Mr. Chairman, I reserve the balance of my time.

Mr. BRINDISI. Mr. Chairman, I urge adoption of this amendment, and I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is no objection to having EPA obtaining technical input on technologies that are effective in removing PFAS from drinking water. I am concerned how formal a process the amendment seeks to impose. I was going to ask questions of Mr. KIM or Mr. PALLONE. They are not here, and that is fine.

The amendment only calls for public comment, but a full-blown notice and opportunity for public comment is an enormously expensive and time-consuming process for any agency, including the EPA. If the focus of the bill is to meet the timelines it imposes and not hold up grantmaking for a public comment process to play out, I think this amendment needs to be rethought a bit to get at the author's intent without tripping up EPA from executing the program.

I will not oppose this amendment because I know there are larger problems with this bill that will prevent it from becoming law, but I want to highlight that this is an acceptable amendment, and I yield back the balance of my time.

The Acting CHAIR (Mrs. AXNE). The question is on the amendment offered by the gentleman from New York (Mr. BRINDISI).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. GOLDEN

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part B of House Report 116-366.

Mr. GOLDEN. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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).

The Acting CHAIR. Pursuant to House Resolution 779, the gentleman from Maine (Mr. GOLDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine.

Mr. GOLDEN. Madam Chair, I rise today to offer an amendment to H.R. 535, the PFAS Action Act of 2019.

First, I thank Chairman PALLONE, Congresswoman DINGELL, and the Energy and Commerce Committee for bringing this bill to the floor today. We all know that PFAS contamination is a national issue that has devastated communities across the country.

As of October 2019, the Maine Department of Environmental Protection has more than 30,000 records for PFAS at 244 locations across the State of Maine. In my district, areas surrounding the former Loring Air Force Base, Houlton International Airport, Bangor International Airport, the Navy VLF Radio Station in Cutler, and the Bog Brook military training site in Gilead are known to be contaminated with PFAS compounds.

Groundwater, surface water, soil, and sediment samples collected from these sites identified the presence of these chemicals, posing a major risk to public health and safety.

We also know that emergency response teams are frequently exposed to PFAS in firefighting foams as they work to keep communities safe. Given my State still relies on not only career firefighters but a tremendous amount of volunteer firefighters, the threat of PFAS contamination and the resulting health risks is something I take seriously.

That is why I am pleased to see that the bill we are debating today includes a provision that would require the EPA Administrator, with the U.S. Fire Administration, to issue guidance on minimizing the use of firefighting foam and related equipment containing any PFAS by firefighters and other first responders.

However, I think it is important for Congress and the public to know just how effective this provision will be on the long-term health of our first responders. That is why I am offering an amendment that would require the EPA Administrator, in consultation with the U.S. Fire Administration, to brief Congress on the effectiveness of the guidance they are providing, to include recommendations for congressional actions that the Administrator determines appropriate to assist efforts to reduce exposure to PFAS by firefighters and other first responders.

This is a commonsense amendment to ensure that the Federal Government follows through on its commitment to protect the men and women who enter into harm's way to keep our communities safe.

Mr. Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. BRINDISI). The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chairman, I reserve the balance of my time.

Mr. GOLDEN. Mr. Chairman, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand the gentleman from Maine's problem with the airports. Fortunately, we have exempted airports from Superfund liability, and there is not going to be an ability for the gentleman's sites to get cleaned up.

Other than that, based upon this amendment, we think the basic amendment is unnecessary. There is no objection to having EPA report annually on firefighter foam guidance. This amendment, though, does not have an end to annual reporting, and firefighting foam with fluorine is supposed to be phased out in 3 years under the military specs. Maybe moving forward, there could be a deadline.

In addition, the amendment asks for recommendations to Congress to reduce exposure to PFAS and firefighting foam. This assumes that any remaining foam is hazardous, and meaningful safe is not examined, only exposure, a very nonscientific way to address the problem.

Plus, I would prefer that there be some discussion, considering who is writing the report. The foam effect in this is discussed. Let's not add incomplete reporting. An underlying bill places enough unnecessary burdens on the public.

Mr. Chairman, I ask my colleagues to vote "no" on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Mr. GOLDEN).

The amendment was agreed to.

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AMENDMENT NO. 18 OFFERED BY MRS. AXNE

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part B of House Report 116-366.

Mrs. AXNE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 37, line 4, strike "2021" and insert "2024".

The Acting CHAIR. Pursuant to House Resolution 779, the gentlewoman from Iowa (Mrs. AXNE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Iowa.

MODIFICATION TO AMENDMENT NO. 18 OFFERED BY MRS. AXNE

Mrs. AXNE. Mr. Chair, I ask unanimous consent that the amendment be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

MODIFICATION TO AMENDMENT TO RULES COMMITTEE PRINT 116-45

OFFERED BY MRS. AXNE OF IOWA

The amendment is modified to read as follows:

Page 37, beginning on line 1, 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—

“(A) \$125,000,000 for each of fiscal years 2020 and 2021; and

“(B) \$100,000,000 for each of fiscal years 2022 through 2024.

“(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.

Mrs. AXNE (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Iowa?

There was no objection.

The Acting CHAIR. Is there objection to the original request of the gentlewoman from Iowa?

There was no objection.

The Acting CHAIR. The amendment is modified.

The gentlewoman from Iowa is recognized for 5 minutes.

Mrs. AXNE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have heard from many parents in my district worried about PFAS contamination in their drinking water. PFAS are manmade chemicals that can pose serious health risks and are of great concern to my constituents.

In large quantities, PFAS are dangerous and deadly to human health, and these forever chemicals are going to take a lot of work and innovation to clean up. These chemicals have been linked to cancer, effects on the immune system, and impaired child development.

While PFAS chemicals have not been found in the water supply in my district, there is a known contamination site. Our community has stepped up and is working together through a PFAS Working Group to address this contamination and conduct further testing, but it is past time that the Federal Government steps in, stops the production of these dangerous chemicals, requires cleanup, and provides resources to ensure that our communities aren't left to fight this alone.

Our public water utilities provide a critical service to our communities by ensuring families have safe and clean drinking water. However, without proper support, many water utilities won't be able to afford the necessary upgrades or would be forced to put the costs back on the backs of their community.

I am glad that this legislation creates a grant program to provide funding for water utilities to upgrade their drinking water systems in order to effectively remove PFAS. The PFAS Infrastructure Grant Program will ensure utilities have the resources they

need to protect our water systems without burdening the communities they serve with an unaffordable expense.

However, as the bill is written now, the PFAS Infrastructure Grant Program would only be authorized for 2 years. Our communities need more flexibility and time when deciding the best way to upgrade their water infrastructure and to combat PFAS.

My amendment would extend the PFAS Infrastructure Grant Program for an additional 3 years, allowing water utilities time to properly address their needs, test their water, and request funding, as necessary.

Additionally, my amendment would increase the funding available by \$300 million over that 3-year period. By more than doubling the current authorized amount, my amendment would ensure there are enough funds available so utilities can afford these necessary upgrades without negatively impacting the critical work that they do.

My State of Iowa also has many rural drinking water systems that don't have the scale to afford massive infrastructure costs. We see, time and time again, that smaller water systems are unable to remove hazardous and dangerous materials simply because of cost barriers. I am pleased that the underlying bill prioritizes small drinking water systems, and my amendment ensures the program has enough funding so no community is left behind.

This legislation is an important step to ensure Iowa families have access to safe drinking water without these harmful PFAS chemicals. My amendment strengthens the PFAS Infrastructure Grant Program, and I urge a “yes” vote.

Mr. Chairman, I reserve the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Chair, I reserve the balance of my time.

Mrs. AXNE. Mr. Chairman, I thank the gentleman for his support of the amendment. I am glad there is bipartisan support to ensure that our communities have the drinking water and resources they need to protect that.

Mr. Chairman, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Chairman, I thank my colleague. I rose in opposition, just so she understands that I will be speaking in opposition to the amendment. I appreciate the kind words.

Mr. Chair, I wish she would have been here when the Rice amendment was on the floor, which has been passed and added to the bill, which would now allow the rich communities that have already paid for their modifications at great expense to be able to dip back into these funds at the expense of rural communities. That was an amendment we passed earlier.

Mr. Chair, under this legislation, EPA is supposed to issue a national primary drinking water standard for PFAS, but PFOA and PFOS at a minimum. Once this is done, communities that are disadvantaged—and I am from rural Illinois, 33 counties—one, assistance for installing technology are eligible for the drinking water State-revolving loan programs.

This amendment creates a double-dipping opportunity for communities when the main focus of the Safe Drinking Water Act State revolving fund is to help struggling systems meet the mandate it imposes to protect public health.

More practically, because of budget allocations that the House appropriators are supposed to operate under, increased capitalization grants will suffer. Money, to the tune of \$75 million, will be diverted to this particular PFAS grant program at the expense of the State revolving fund.

Communities, especially rural communities, not only with PFAS but other compliance and health problems as well, could and will likely be a loser, so that is why I rise in opposition to the amendment.

Mr. Chair, I encourage my colleagues to vote “no,” and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentlewoman from Iowa (Mrs. AXNE).

The amendment, as modified, was agreed to.

Mr. TONKO. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. DINGELL) having assumed the chair, Mr. BRINDISI, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

IMPEACHMENT HOLD

(Mr. SPANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPANO. Mr. Speaker, if there was any doubt that last month's impeachment vote was purely political, there shouldn't be now.

Throughout the partisan impeachment inquiry, we were told that it was critical to move quickly because the threat of waiting was too great. The Schiff report even said: “We cannot wait.”

In the interest of speed, any hope of fairness was discarded. Rules were broken. Democrats couldn't wait on a minority hearing, breaking House rules