

partners on program development and best management practices; and

(5) to the extent practicable, balance user access to commercial prototypes available for use across a broad class of applications and Federal research prototypes that enable benchmarking a wider variety of early-stage devices.

(c) Leveraging

In carrying out this section, the Secretary shall leverage resources and expertise across the Department of Energy and from—

- (1) the National Institute of Standards and Technology;
- (2) the National Science Foundation;
- (3) the National Aeronautics and Space Administration;
- (4) other relevant Federal agencies;
- (5) the National Laboratories;
- (6) industry stakeholders;
- (7) institutions of higher education; and
- (8) the National Quantum Information Science Research Centers.

(d) Security

In carrying out the activities authorized by this section, the Secretary, in consultation with the Director of the National Science Foundation and the Director of the National Institute of Standards and Technology, shall ensure proper security controls are in place to protect sensitive information, as appropriate.

(e) Funding

Of the funds authorized to be appropriated for the Department of Energy’s Office of Science, there are authorized to be appropriated to the Secretary to carry out the activities under this section—

- (1) \$30,000,000 for fiscal year 2023;
- (2) \$31,500,000 for fiscal year 2024;
- (3) \$33,075,000 for fiscal year 2025;
- (4) \$34,728,750 for fiscal year 2026; and
- (5) \$36,465,188 for fiscal year 2027.

(Pub. L. 115–368, title IV, §404, as added Pub. L. 117–167, div. B, title I, §10104(b)(2)(A), Aug. 9, 2022, 136 Stat. 1440.)

CHAPTER 115—PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND EMERGING CONTAMINANTS

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§ 8901. Definition of Administrator

In this chapter, the term “Administrator” means the Administrator of the Environmental Protection Agency.

(Pub. L. 116–92, div. F, title LXXIII, §7302, Dec. 20, 2019, 133 Stat. 2275.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title LXXIII of Pub. L. 116–92, div. F, Dec. 20, 2019, 133 Stat. 2275, known as the PFAS Act of 2019, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116–92, div. F, title LXXIII, §7301, Dec. 20, 2019, 133 Stat. 2275, provided that: “This title [enacting this chapter and amending section 2607 of this title and sections 300j–12 and 11023 of Title 42, The Public Health and Welfare] may be cited as the ‘PFAS Act of 2019.’”

SUBCHAPTER I—DRINKING WATER

§ 8911. Monitoring and detection

(a) Monitoring program for unregulated contaminants

(1) In general

The Administrator shall include each substance described in paragraph (2) in the fifth publication of the list of unregulated contaminants to be monitored under section 300j–4(a)(2)(B)(i) of title 42.

(2) Substances described

The substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances—

- (A) for which a method to measure the level in drinking water has been validated by the Administrator; and
- (B) that are not subject to a national primary drinking water regulation.

(3) Exception

The perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances included in the list of unregulated contaminants to be monitored under section 300j–4(a)(2)(B)(i) of title 42 under paragraph (1) shall not count towards the limit of 30 unregulated contaminants to be monitored by public water systems under that section.

(b) Applicability

(1) In general

The Administrator shall—
 (A) require public water systems serving more than 10,000 persons to monitor for the substances described in subsection (a)(2);

(B) subject to paragraph (2) and the availability of appropriations, require public water systems serving not fewer than 3,300 and not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(C) subject to paragraph (2) and the availability of appropriations, ensure that only a representative sample of public water systems serving fewer than 3,300 persons are required to monitor for the substances described in subsection (a)(2).

(2) Requirement

If the Administrator determines that there is not sufficient laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1), the Administrator may waive the monitoring requirements in those subparagraphs.

(3) Funds

The Administrator shall pay the reasonable cost of such testing and laboratory analysis as is necessary to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1) using—

(A) funds made available pursuant to subsection (a)(2)(H) or subsection (j)(5) of section 300j-4 of title 42; or

(B) any other funds made available for that purpose.

(Pub. L. 116-92, div. F, title LXXIII, §7311, Dec. 20, 2019, 133 Stat. 2276.)

SUBCHAPTER II—PFAS RELEASE
DISCLOSURE

§ 8921. Additions to toxics release inventory

(a) Definition of toxics release inventory

In this section, the term “toxics release inventory” means the list of toxic chemicals subject to the requirements of section 11023(c) of title 42.

(b) Immediate inclusion

(1) In general

Subject to subsection (e), beginning January 1 of the calendar year following December 20, 2019, the following chemicals shall be deemed to be included in the toxics release inventory:

(A) Perfluorooctanoic acid (commonly referred to as “PFOA”) (Chemical Abstracts Service No. 335-67-1).

(B) The salts associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 3825-26-1, 335-95-5, and 68141-02-6).

(C) Perfluorooctane sulfonic acid (commonly referred to as “PFOS”) (Chemical Abstracts Service No. 1763-23-1).

(D) The salts associated with the chemical described in subparagraph (C) (Chemical Abstracts Service Nos. 2795-39-3, 29457-72-5, 56773-42-3, 29081-56-9, and 70225-14-8).

(E) A perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is—

(i) listed as an active chemical substance in the February 2019 update to the inventory under section 2607(b)(1) of this title; and

(ii) on December 20, 2019, subject to the provisions of—

(I) section 721.9582 of title 40, Code of Federal Regulations; or

(II) section 721.10536 of title 40, Code of Federal Regulations.

(F) Hexafluoropropylene oxide dimer acid (commonly referred to as “GenX”) (Chemical Abstracts Service No. 13252-13-6).

(G) The compound associated with the chemical described in subparagraph (F) identified by Chemical Abstracts Service No. 62037-80-3.

(H) Perfluorononanoic acid (commonly referred to as “PFNA”) (Chemical Abstracts Service No. 375-95-1).

(I) Perfluorohexanesulfonic acid (commonly referred to as “PFHxS”) (Chemical Abstracts Service No. 355-46-4).

(2) Threshold for reporting

(A) In general

Subject to subparagraph (B), the threshold for reporting the chemicals described in paragraph (1) under section 11023 of title 42 is 100 pounds.

(B) Revisions

Not later than 5 years after December 20, 2019, the Administrator shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted for any chemical described in paragraph (1); and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 11023(f)(2) of title 42.

(c) Inclusion following assessment

(1) In general

(A) Date of inclusion

Subject to subsection (e), notwithstanding section 11023 of title 42, a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not described in subsection (b)(1) shall be deemed to be included in the toxics release inventory beginning January 1 of the calendar year after any of the following dates:

(i) Final toxicity value

The date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(ii) Significant new use rule

The date on which the Administrator makes a covered determination for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(iii) Addition to existing significant new use rule

The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is added to a list of substances covered by a covered determination.