

polyfluoroalkyl substances the chemical identity of which is subject to a claim of a person of protection from disclosure under subsection (a) of section 552 of title 5, pursuant to subsection (b)(4) of that section, the Administrator shall—

(A) review any such claim of protection from disclosure; and

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 2613(f) of this title.

(2) Nondisclosure of protection information

If the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances qualifies for protection from disclosure pursuant to paragraph (1), the Administrator shall include the substance or class of substances, as applicable, on the toxics release inventory in a manner that does not disclose the protected information.

(Pub. L. 116–92, div. F, title LXXIII, §7321, Dec. 20, 2019, 133 Stat. 2277.)

Editorial Notes

CODIFICATION

Section is comprised of section 7321 of Pub. L. 116–92. Subsec. (f) of section 7321 of Pub. L. 116–92 amended section 11023 of Title 42, The Public Health and Welfare.

SUBCHAPTER III—USGS PERFORMANCE STANDARD

§ 8931. Definitions

In this subchapter:

(1) Director

The term “Director” means the Director of the United States Geological Survey.

(2) Highly fluorinated compound

(A) In general

The term “highly fluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(B) Definitions

In this paragraph:

(i) Fully fluorinated carbon atom

The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(ii) Perfluoroalkyl substance

The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(iii) Polyfluoroalkyl substance

The term “polyfluoroalkyl substance” means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

(Pub. L. 116–92, div. F, title LXXIII, §7331, Dec. 20, 2019, 133 Stat. 2281.)

§ 8932. Performance standard for the detection of highly fluorinated compounds

(a) In general

The Director, in consultation with the Administrator, shall establish a performance standard for the detection of highly fluorinated compounds.

(b) Emphasis

(1) In general

In developing the performance standard under subsection (a), the Director shall emphasize the ability to detect as many highly fluorinated compounds present in the environment as possible using validated analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled “Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey” and dated 2002); and

(B) are as sensitive as is feasible and practicable.

(2) Requirement

In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and testing;

(B) develop a training program with respect to the appropriate method of sample collection and analysis of highly fluorinated compounds; and

(C) coordinate as necessary with the Administrator, including, if appropriate, to develop methods to detect individual and different highly fluorinated compounds simultaneously.

(Pub. L. 116–92, div. F, title LXXIII, §7332, Dec. 20, 2019, 133 Stat. 2282.)

§ 8933. Nationwide sampling

(a) In general

The Director shall carry out a nationwide sampling to determine the concentration of highly fluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, and soil using the performance standard developed under section 8932(a) of this title.

(b) Requirements

In carrying out the sampling under subsection (a), the Director shall—

(1) first carry out the sampling at sources of drinking water near locations with known or suspected releases of highly fluorinated compounds;

(2) when carrying out sampling of sources of drinking water under paragraph (1), carry out the sampling prior to and, at the request of the Administrator, after any treatment of the water;

(3) survey for ecological exposure to highly fluorinated compounds, with a priority in determining direct human exposure through drinking water; and

(4) consult with—

(A) States to determine areas that are a priority for sampling; and