

DRAFT PFAS PACKAGE

Section-by-Section Summary

Sec. 1. Short title.

Sec. 2. Definitions.

This section defines the terms used in the bill, including a definition for perfluoroalkyl or polyfluoroalkyl substance (PFAS).

Sec. 3. Maximum Contaminant Level for Perfluoroalkyl or Polyfluoroalkyl Substances.

This provision sets a deadline of September 30, 2024 for the EPA to complete the Agency's ongoing rulemaking process to set drinking water standards for specific PFAS substances.

Sec. 4. National Academies Study on the Uses of PFAS.

This section requires the EPA to contract with the National Academy of Science, Engineering, and Medicine to carry out a study within a year from enactment on both beneficial as well as nonessential uses of PFAS in commerce.

Sec. 5. State Revolving Fund Usage.

This section would allow for states to use up to one percent of their State Revolving Fund (SRF) administrative fees to maintain a list of industrial users of PFAS within the state's boundaries.

Sec. 6. Technical Fix for State Response to Contaminants Program.

The Infrastructure Investment and Jobs Act (IIJA) of 2021 and the America's Water Infrastructure Act of 2018 both included language allowing states to utilize federal funding provided for assistance for small and disadvantaged communities to facilitate emerging contaminant cleanup efforts for underground sources of water that impact private wells. This bipartisan language was intentionally drafted to avoid granting authority to EPA to regulate private wells. However, the EPA has narrowly interpreted this IIJA language to limit states' use of funds provided under these sections solely for the purpose of connecting small and disadvantaged communities to public water systems. For reasons such as a geography or lack of population density, this may not be the most affordable or viable way for a state to assist these small and disadvantaged communities in mitigating contamination from emerging contaminants, including PFAS. Section 6 includes a technical fix to correct this limited interpretation and make clear that grant funding provided by the EPA to the states may be used to assist these communities in remediating or mitigating individual well contamination.

Sec. 7. Risk Management and Communication Strategies.

This provision requires the EPA to create and maintain a clearinghouse containing risk management strategies used by states, territories, and Tribes – as well as a risk management guide for educating the public regarding the hazards or potential risks resulting from various levels of exposure to PFAS, as well as mitigation measures for reducing exposure to these substances. This section also establishes an annual report to Congress on risk management and

communications strategies used by the states, territories, and Tribes for the hazards and potential risks posed by PFAS. This section authorizes \$5 million for each of fiscal years 2024 through 2028 for this activity, allowing no more than 3 percent of the authorized funds to be used for administrative expenses.

Sec. 8. PFAS Research and Development.

This section directs the EPA to carry out a research and technology development program on non-regulatory strategies for the prevention, detection, destruction, and verification of emerging contaminants, with a focus on PFAS. This program would:

- Improve the understanding of PFAS toxicities on human health and ecosystems for individual PFAS substances and groups/categories of PFAS;
- Identify categories of PFAS to aid in grouping PFAS for testing, evaluation, destruction, remediation, or regulatory purposes;
- Identify exposure pathways for PFAS substances and, as information becomes available, identify the exposure pathways that are likely to produce the greatest risks in terms of degree of exposure, magnitude, or vulnerability of the populations that may be exposed through those pathways;
- Develop and validate methods for PFAS detection and measurement across media;
- Evaluate and develop technologies and methods for PFAS treatment, remediation, reduction, destruction, and disposal across media;
- Evaluate and develop technologies and methods to avoid or reduce the release of PFAS into the environment;
- Investigate and determine relevant transformation, transport and fate processes of PFAS precursors as potential sources of more recalcitrant PFAS; and
- Understand knowledge of PFAS-related risks posed to various audiences and effective messaging strategies to increase risk reduction in those target audiences.

This section authorizes \$500 million for the period of fiscal years 2024 through 2028 for direct research activities and grants, allowing no more than 3 percent of the authorized funds to be used for administrative expenses.

Sec. 9. PFAS Technology Development Prize.

This section creates a prize competition to encourage innovation in the development of technologies that help identify PFAS in low concentrations in the environment; prevent the intrusion of PFAS in the environment; and destroy PFAS. An advisory board is established to review applications, representing diverse private sector stakeholders, academics, and federal agencies including the Department of Defense. A majority of the Board must represent the private sector. This section authorizes \$500 million to award cash prizes. The amount of a cash prize shall not be more than \$20 million. No more than 3 percent of the authorized funds can be used for administrative expenses. The Board established to issue prizes and the relevant authorization of appropriations terminate after five years.

Sec. 10. Standards for the Detection, Reduction, Destruction, Remediation, and Verification of PFAS.

This section requires the EPA to work with a standards-setting organization to supplement EPA's work on PFAS standards. The areas the EPA is authorized to contract for supplemental work include detection, reduction, destruction, remediation, and verification.

Sec. 11. Emergency Assistance for PFAS Remediation for Covered Communities.

This section creates a new emergency assistance authority for the EPA to help small, rural, Tribal, underserved, or disadvantaged communities address PFAS contamination. At the request of the Governor of a State or the Head of an Indian Tribe, the EPA Administrator may provide emergency assistance in the form of grants and technical assistance to a covered community to assist that community in the remediation of PFAS in the land, air, soil, or water, including groundwater.