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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 2600

To regulate per- and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 8, 2019

M__. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To regulate per- and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toxic PFAS Control Act".

SEC. 2. REGULATION OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

"(k) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

"(1) PROHIBITIONS.—Except as provided in subsection (g)—

"(A) beginning on the date that is 6 months after the date of enactment of this subsection—

"(i) no person may manufacture any new chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance; and

"(ii) no person may manufacture or process any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance for a use that is a significant new use with respect to which the Administrator has issued a final or proposed determination in accordance with section 5(a)(2);

"(B) beginning on the date that is 2 years after the date of enactment of this subsection, no person may manufacture any chemical sub-

1 stance that is a perfluoroalkyl or polyfluoroalkyl
2 substance; and
3 "(C) beginning on the date that is 3 years
4 after the date of enactment of this subsection,
5 no person may process or distribute in com-
6 merce any chemical substance that is a
7 perfluoroalkyl or polyfluoroalkyl substance.
8 "(2) REGULATION.—Notwithstanding sub-
9 sections (a) through (d), not later than 6 months
10 after the date of enactment of this subsection, the
11 Administrator shall promulgate a rule that—
12 "(A) prescribes the manner or method of
13 disposal of any chemical substance that is a
14 perfluoroalkyl or polyfluoroalkyl substance, or
15 of any article containing such a chemical sub-
16 stance, by a manufacturer or processor or by
17 any other person who uses or disposes of such
18 a chemical substance, and that—
19 "(i) does not require any person to
20 take any action which would be in violation
21 of any law or requirement of, or in effect
22 for, a State or political subdivision; and
23 "(ii) requires each person subject to it
24 to notify each State and political subdivi-

1 sion in which a required disposal may
2 occur of such disposal;
3 "(B) requires that any such chemical sub-
4 stance, or article containing such a chemical
5 substance, be marked with clear and adequate
6 minimum warnings, and instructions with re-
7 spect to its processing, use, distribution in com-
8 merce, or disposal or with respect to any com-
9 bination of such activities, including require-
10 ments for the form and content of such warn-
11 ings and instructions;
12 "(C) requires any person manufacturing or
13 processing any amount of such a chemical sub-
14 stance to report such manufacture or proc-
15 essing pursuant to section 8, notwithstanding
16 subsection (a)(1) of such section; and
17 "(D) requires any person manufacturing
18 any such chemical substance—
19 "(i) to accept for disposal in accord-
20 ance with subparagraph (A) any such
21 chemical substance that has not been proc-
22 essed;
23 "(ii) to replace or repurchase such
24 chemical substance as elected by the per-

son to whom the requirement is directed; and

"(iii) to give notice of the requirements of this subparagraph to the public, processors and distributors in commerce of such chemical substance and, to the extent reasonably ascertainable, to other persons in possession of such chemical substance or exposed to such chemical substance.".

(b) EXEMPTIONS.—Section 6(g) of the Toxic Substances Control Act (15 U.S.C. 2605(g)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ", or a requirement of subsection (k)," after "subsection (a) rule"; and

(2) in paragraph (3), by adding at the end the following: "An exemption under this subsection from a requirement of subsection (k) may be for a period that is not longer than 1 year.".