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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 2608

To require the testing of perfluoroalkyl and polyfluoroalkyl substances under the Toxic Substances Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 9, 2019

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

A BILL

To require the testing of perfluoroalkyl 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 "PFAS Testing Act of 2019".

SEC. 2. 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 ORDER.—Notwithstanding paragraphs (1) through (4), not later than 60 days after the date of enactment of this paragraph, the Administrator shall, by order, require that comprehensive toxicity testing be conducted on all chemical substances that are perfluoroalkyl and polyfluoroalkyl substances.".

(b) PERSONS SUBJECT TO ORDER.—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) An order 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.".

1 (c) PERFLUOROALKYL AND POLYFLUOROALKYL SUB-
2 STANCES.—Section 4 of the Toxic Substances Control Act
3 (15 U.S.C. 2603) is amended by adding at the end the
4 following:

5 "(i) PERFLUOROALKYL AND POLYFLUOROALKYL
6 SUBSTANCES.—

7 "(1) TESTING REQUIREMENT ORDER.—

8 "(A) PROTOCOLS AND METHODOLOGIES.—
9 In determining the protocols and methodologies
10 to be included pursuant to subsection (b)(1) in
11 an order under subsection (a)(5), the Adminis-
12 trator shall allow for protocols and methodolo-
13 gies that test chemical substances that are
14 perfluoroalkyl and polyfluoroalkyl substances as
15 a class.

16 "(B) PERIOD.—In determining the period
17 to be included pursuant to subsection (b)(1) in
18 an order under subsection (a)(5), the Adminis-
19 trator shall ensure that the period is as short
20 as possible while allowing for completion of the
21 required testing.

22 "(2) EXEMPTIONS.—Notwithstanding sub-
23 section (c)(2)(A), the Administrator may only make
24 a determination under subsection (c)(2)(B) that sub-
25 mission of information on a chemical substance that

is a perfluoroalkyl or polyfluoroalkyl substance required by an order under subsection (a)(5) would be duplicative of information that has been submitted to the Administrator in accordance with such order, or which is being developed pursuant to such order, if the information concerns the chemical substance with the same specific chemical identity as the chemical substance for which the application for an exemption is submitted.".

SEC. 3. REPORTING AND RETENTION OF INFORMATION.

Section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended by adding at the end the following:

"(7) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

"(A) SUBMISSION OF INFORMATION.—Notwithstanding any other requirement of law, not later than 60 days after the date of enactment of this paragraph, each person who manufactures or processes a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance shall submit to the Administrator—

"(i) all records of significant adverse reactions to health or the environment al-

1 leged to have been caused by such chemical
2 substances; and
3 "(ii) all health and safety studies re-
4 lated to such chemical substances of which
5 the person is aware.
6 "(B) AVAILABILITY.—Not later than 4
7 months after the date of enactment of this
8 paragraph, the Administrator shall make stud-
9 ies submitted under subparagraph (A)(ii) avail-
10 able to the public.".