

Sec.

## SUBCHAPTER V—OTHER MATTERS

8961. PFAS destruction and disposal guidance.  
 8962. PFAS research and development.  
 8963. Interagency body on research related to per- and polyfluoroalkyl substances.

**§ 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.

**(iv) Addition as active chemical substance**

The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances to which a covered determination applies is—

(I) added to the list published under paragraph (1) of section 2607(b) of this title and designated as an active chemical substance under paragraph (5)(A) of such section; or

(II) designated as an active chemical substance on such list under paragraph (5)(B) of such section.

**(B) Covered determination**

For purposes of this paragraph, a covered determination is a determination made, by rule, under section 2604(a)(2) of this title that a use of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is a significant new use (except such a determination made in connection with a determination described in section 2604(a)(3)(B) or section 2604(a)(3)(C) of this title).

**(2) Threshold for reporting**

**(A) In general**

Subject to subparagraph (B), notwithstanding subsection (f)(1) of section 11023 of title 42, the threshold for reporting under such section 11023 of title 42 the substances and classes of substances included in the toxics release inventory under paragraph (1) is 100 pounds.

**(B) Revisions**

Not later than 5 years after the date on which a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is included in the toxics release inventory under paragraph (1), the Administrator shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted for the substance or class of substances; 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.

**(d) Inclusion following determination**

**(1) In general**

Not later than 2 years after December 20, 2019, the Administrator shall determine whether the substances and classes of substances described in paragraph (2) meet any one of the criteria described in section 11023(d)(2) of title 42 for inclusion in the toxics release inventory.

**(2) Substances described**

The substances and classes of substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances not described in subsection (b)(1), including—

(A) perfluoro[2-pentafluoroethoxyethoxy]acetic acid] ammonium salt (Chemical Abstracts Service No. 908020-52-0);

(B) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propanoyl fluoride (Chemical Abstracts Service No. 2479-75-6);

(C) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propionic acid (Chemical Abstracts Service No. 2479-73-4);

(D) 3H-perfluoro-3-[(3-methoxy-propoxy) propanoic acid] (Chemical Abstracts Service No. 919005-14-4);

(E) the salts associated with the chemical described in subparagraph (D) (Chemical Abstracts Service Nos. 958445-44-8, 1087271-46-2, and NOCAS 892452);

(F) 1-octanesulfonic acid 3,3,4,4,5,5,6,6,7,7,8-tridecafluoro-potassium salt (Chemical Abstracts Service No. 59587-38-1);

(G) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375-73-5);

(H) 1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt (Chemical Abstracts Service No. 29420-49-3);

(I) the component associated with the chemical described in subparagraph (H) (Chemical Abstracts Service No. 45187-15-3);

(J) heptafluorobutyric acid (Chemical Abstracts Service No. 375-22-4);

(K) perfluorohexanoic acid (Chemical Abstracts Service No. 307-24-4);

(L) the compound associated with the chemical described in subsection (b)(1)(F) identified by Chemical Abstracts Service No. 2062-98-8;

(M) perfluoroheptanoic acid (commonly referred to as “PFHpA”) (Chemical Abstracts Service No. 375-85-9);

(N) each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a method to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluoroalkyl and polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluorinated polymers, as determined by the Administrator.

### (3) Addition to toxics release inventory

Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets any one of the criteria described in section 11023(d)(2) of title 42, the Administrator shall revise the toxics release inventory in accordance with such section 11023(d) of title 42 to include that substance or class of substances not later than 2 years after the date on which the Administrator makes the determination.

### (e) Confidential business information

#### (1) In general

Prior to including on the toxics release inventory pursuant to subsection (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or

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.)