

117TH CONGRESS
1ST SESSION

S. 2406

To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2021

Mrs. GILLIBRAND (for herself, Ms. WARREN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to set maximum contaminant levels for certain chemicals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Drinking
5 Water from PFAS Act of 2021”.

1 **SEC. 2. MAXIMUM CONTAMINANT LEVELS.**

2 Section 1412(b) of the Safe Drinking Water Act (42
3 U.S.C. 300g–1(b)) is amended by adding at the end the
4 following:

5 “(16) PERFLUOROALKYL AND
6 POLYFLUOROALKYL SUBSTANCES.—

7 “(A) REQUIRED REGULATIONS.—Not later
8 than 2 years after the date of enactment of the
9 Protect Drinking Water from PFAS Act of
10 2021, the Administrator shall publish a max-
11 imum contaminant level and promulgate a na-
12 tional primary drinking water regulation for
13 perfluoroalkyl and polyfluoroalkyl substances,
14 including, at a minimum—

15 “(i) perfluorooctanoic acid (commonly
16 referred to as ‘PFOA’); and

17 “(ii) perfluorooctane sulfonic acid
18 (commonly referred to as ‘PFOS’).

19 “(B) MONITORING.—In establishing moni-
20 toring requirements under the national primary
21 drinking water regulation for perfluoroalkyl and
22 polyfluoroalkyl substances under subparagraph
23 (A), the Administrator shall—

24 “(i) consider options for tailoring
25 monitoring requirements for public water
26 systems that do not detect, or are reliably

1 and consistently below the maximum con-
2 taminant level for, those substances; and

3 “(ii) prioritize the use of existing au-
4 thorities to provide technical assistance
5 and funding to help small, rural, or dis-
6 advantaged public water systems to comply
7 with the national primary drinking water
8 regulation.

9 “(C) HEALTH PROTECTION.—The national
10 primary drinking water regulation for
11 perfluoroalkyl and polyfluoroalkyl substances
12 under subparagraph (A) shall be protective of
13 the health of subpopulations at greater risk, as
14 described in section 1458.

15 “(D) HEALTH RISK REDUCTION AND COST
16 ANALYSIS.—In meeting the requirements of
17 paragraph (3)(C) with respect to the national
18 primary drinking water regulation for
19 perfluoroalkyl and polyfluoroalkyl substances
20 under subparagraph (A), the Administrator
21 may rely on information available to the Admin-
22 istrator with respect to 1 or more specific
23 perfluoroalkyl or polyfluoroalkyl substances to
24 extrapolate reasoned conclusions with respect to
25 the health risks and effects of a class of

1 perfluoroalkyl or polyfluoroalkyl substances of
2 which the specific perfluoroalkyl or
3 polyfluoroalkyl substances are a part, including
4 by using techniques described in—

5 “(i) the document of the Environ-
6 mental Protection Agency entitled ‘Gener-
7 alized Read-Across (GenRA)’ (or a suc-
8 cessor document); and

9 “(ii) the Toxicity Estimation Software
10 Tool of the Environmental Protection
11 Agency (or a successor tool).”.

○