

117TH CONGRESS
1ST SESSION

S. 2994

To list certain perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2021

Mr. PADILLA (for himself, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mrs. FEINSTEIN, Ms. HASSAN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To list certain perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants, 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 “Prevent Release Of
5 Toxics Emissions, Contamination, and Transfer Act of
6 2021” or the “PROTECT Act of 2021”.

1 **SEC. 2. LISTING OF PERFLUOROALKYL AND**
 2 **POLYFLUOROALKYL SUBSTANCES AS HAZ-**
 3 **ARDOUS AIR POLLUTANTS.**

4 (a) LISTING.—

5 (1) INITIAL LISTING.—Section 112(b) of the
 6 Clean Air Act (42 U.S.C. 7412(b)) is amended by
 7 adding at the end the following:

8 “(8) PERFLUOROALKYL AND
 9 POLYFLUOROALKYL SUBSTANCES.—

10 “(A) IN GENERAL.—Subject to subpara-
 11 graph (B), beginning on the date of enactment
 12 of the Prevent Release Of Toxics Emissions,
 13 Contamination, and Transfer Act of 2021, the
 14 following substances are included on the list of
 15 hazardous air pollutants under paragraph (1):

16 “(i) Perfluorooctanoic acid and its
 17 salts.

18 “(ii) Perfluorooctanesulfonic acid and
 19 its salts.

20 “(iii) Perfluorobutanesulfonic acid.

21 “(iv) Hexafluoropropylene oxide dimer
 22 acid and its ammonium salt (commonly re-
 23 ferred to as ‘GenX chemicals’).

24 “(B) IMPLEMENTING REGULATIONS.—

25 “(i) SOURCE CATEGORIES.—Notwith-
 26 standing any other provision of this sec-

tion, not later than 2 years after the date of enactment of the Prevent Release Of Toxics Emissions, Contamination, and Transfer Act of 2021, the Administrator shall revise the list of the categories and subcategories of major sources and area sources established under subsection (c)(1) to include the categories and subcategories of the substances described in subparagraph (A).

“(ii) OTHER REGULATIONS.—Notwithstanding any other provision of this section and except as provided in clause (i), not later than 5 years after the date of enactment of the Prevent Release Of Toxics Emissions, Contamination, and Transfer Act of 2021, the Administrator shall finalize the emission standards and other regulations necessary under this section for the substances included on the list of hazardous air pollutants under subparagraph (A).

“(iii) SAVINGS CLAUSE.—The Administrator may not enforce the listing of any hazardous air pollutant under subpara-

graph (A) until the regulations issued under clause (ii) are finalized.”.

(2) ADDITIONAL LISTINGS.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the “Administrator”) shall determine whether to issue, in accordance with section 112 of the Clean Air Act (42 U.S.C. 7412), final rules adding perfluoroalkyl and polyfluoroalkyl substances other than the perfluoroalkyl and polyfluoroalkyl substances described in subsection (b)(8) of that section to the list of hazardous air pollutants established under subsection (b) of that section.

(B) SOURCES CATEGORIES.—Not later than 2 years after the date on which a final rule is issued pursuant to subparagraph (A), the Administrator shall revise the list of the categories and subcategories of major sources and area sources established under section 112(c)(1) of the Clean Air Act (42 U.S.C. 7412(c)(1)) to include the categories and subcategories of major sources and area sources of

1 the perfluoroalkyl and polyfluoroalkyl sub-
2 stances listed pursuant to that final rule.

3 (C) OTHER REGULATIONS.—Notwith-
4 standing any other provision of section 112 of
5 the Clean Air Act (42 U.S.C. 7412) and except
6 as provided in subparagraph (B), not later than
7 5 years after the date of enactment of this Act,
8 the Administrator shall finalize the emission
9 standards and other regulations necessary
10 under that section for the substances described
11 in subparagraph (A).

12 (b) PETITIONS.—Nothing in this Act or an amend-
13 ment made by this Act affects the requirement that the
14 Administrator grant or deny a petition under section
15 112(b)(3)(A) of the Clean Air Act (42 U.S.C.
16 7412(b)(3)(A)) within 18 months of the receipt of the pe-
17 tition, including a petition with respect to a substance de-
18 scribed in subsection (a)(2)(A).

19 (c) QUANTIFICATION.—For each substance added to
20 the list of hazardous air pollutants established under sec-
21 tion 112(b) of the Clean Air Act (42 U.S.C. 7412(b)) pur-
22 suant to this Act or under an amendment made by this
23 Act, the Administrator shall—

24 (1) provide support and services to advance the
25 understanding of sources of emissions of the sub-

1 stance, or an appropriate surrogate for that sub-
2 stance, the state of technology for control of those
3 emissions, and measurement approaches to quantify
4 and measure those emissions; and

5 (2) to the extent practicable, continue to de-
6 velop and improve the relevant source testing and
7 ambient air measurement methodologies to facili-
8 tate—

9 (A) the identification of emissions sources
10 of the substance; and

11 (B) the detection and reporting of the
12 emitted amounts of the substance.

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