

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 21, 2021.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 21, 2021, at 9:13 a.m.:

That the Senate passed without amendment H.R. 1652.

With best wishes, I am,

Sincerely,

GLORIA J. LETT,
Deputy Clerk.

PFAS ACTION ACT OF 2021

Mr. PALLONE. Mr. Speaker, pursuant to House Resolution 535, I call up the bill (H.R. 2467) to require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 535, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-10, modified by the amendment printed in part A of House Report 117-95, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2467

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “PFAS Action Act of 2021”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Designation as hazardous substances.
- Sec. 3. Testing of perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 4. Manufacturing and processing notices for perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 5. National primary drinking water regulations for PFAS.
- Sec. 6. Enforcement.
- Sec. 7. Establishment of PFAS infrastructure grant program.
- Sec. 8. Listing of perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants.
- Sec. 9. Prohibition on unsafe waste incineration of PFAS.
- Sec. 10. Label for PFAS-free products.
- Sec. 11. Guidance on minimizing the use of fire-fighting foam and other related equipment containing any PFAS.
- Sec. 12. Investigation of prevention of contamination by GenX.
- Sec. 13. Disclosure of introductions of PFAS.
- Sec. 14. Household well water testing website.
- Sec. 15. Risk-communication strategy.
- Sec. 16. Assistance to Territories for addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.
- Sec. 17. Clean Water Act effluent limitations guidelines and standards and water quality criteria for PFAS.

SEC. 2. DESIGNATION AS HAZARDOUS SUBSTANCES.

(a) **DESIGNATION.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate perfluorooctanoic acid and its salts, and perfluorooctanesulfonic acid and its salts, as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)).

(b) **DEADLINE FOR ADDITIONAL DETERMINATIONS.**—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall determine whether to designate all perfluoroalkyl and polyfluoroalkyl substances, other than those perfluoroalkyl and polyfluoroalkyl substances designated pursuant to subsection (a), as hazardous substances under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602(a)) individually or in groups.

(c) **AIRPORT SPONSORS.**—

(1) **IN GENERAL.**—No sponsor, including a sponsor of the civilian portion of a joint-use airport or a shared-use airport (as such terms are defined in section 139.5 of title 14, Code of Federal Regulations (or a successor regulation)), shall be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for the costs of responding to, or damages resulting from, a release to the environment of a perfluoroalkyl or polyfluoroalkyl substance designated as a hazardous substance under section 102(a) of such Act that resulted from the use of aqueous film forming foam agent, if such use was—

(A) required by the Federal Aviation Administration for compliance with part 139 of title 14, Code of Federal Regulations; and

(B) carried out in accordance with Federal Aviation Administration standards and guidance on the use of such substance.

(2) **SPONSOR DEFINED.**—In this subsection, the term “sponsor” has the meaning given such term in section 47102 of title 49, United States Code.

(d) **PUBLIC AVAILABILITY.**—Not later than 60 days after making a determination under subsection (b), the Administrator of the Environmental Protection Agency shall make the results of such determination publicly available on the website of the Environmental Protection Agency.

(e) **REVIEW.**—

(1) **IN GENERAL.**—Not later than 5 years after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the appropriate congressional committees a report containing a review of actions by the Environmental Protection Agency to clean up contamination of the substances designated pursuant to subsection (a).

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include an assessment of cleanup progress and effectiveness, including the following:

(A) The number of sites where the Environmental Protection Agency has acted to remediate contamination of the substances designated pursuant to subsection (a).

(B) Which types of chemicals relating to such substances were present at each site and the extent to which each site was contaminated.

(C) An analysis of discrepancies in cleanup between Federal and non-Federal contamination sites.

(D) Any other elements the Administrator may determine necessary.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means the following:

(A) The Committee on Energy and Commerce of the House of Representatives.

(B) The Committee on the Environment and Public Works of the Senate.

SEC. 3. 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 RULE.**—

“(A) **RULE.**—Notwithstanding paragraphs (1) through (3), the Administrator shall, by rule, require that comprehensive toxicity testing be conducted on all chemical substances that are perfluoroalkyl or polyfluoroalkyl substances.

“(B) **REQUIREMENTS.**—In issuing a rule under subparagraph (A), the Administrator—

“(i) may establish categories of perfluoroalkyl and polyfluoroalkyl substances based on hazard characteristics or chemical properties;

“(ii) shall require the development of information relating to perfluoroalkyl and polyfluoroalkyl substances that the Administrator determines is likely to be useful in evaluating the hazard and risk posed by such substances in land, air, and water (including drinking water), as well as in products; and

“(iii) may allow for varied or tiered testing requirements based on hazard characteristics or chemical properties of perfluoroalkyl and polyfluoroalkyl substances or categories of perfluoroalkyl and polyfluoroalkyl substances.

“(C) **DEADLINES.**—The Administrator shall issue—

“(i) a proposed rule under subparagraph (A) not later than 6 months after the date of enactment of this paragraph; and

“(ii) a final rule under subparagraph (A) not later than 2 years after the date of enactment of this paragraph.”.

(b) **PERSONS SUBJECT TO RULE.**—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) A rule 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.”.

(c) **PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.**—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended by adding at the end the following:

“(i) **PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.**—

“(1) **TESTING REQUIREMENT RULE.**—

“(A) **PROTOCOLS AND METHODOLOGIES.**—In determining the protocols and methodologies to be included pursuant to subsection (b)(1) in a rule under subsection (a)(5), the Administrator shall allow for protocols and methodologies that test chemical substances that are perfluoroalkyl and polyfluoroalkyl substances as a class.

“(B) **PERIOD.**—In determining the period to be included pursuant to subsection (b)(1) in a rule under subsection (a)(5), the Administrator shall ensure that the period is as short as possible while allowing for completion of the required testing.

“(2) **EXEMPTIONS.**—In carrying out subsection (c) with respect to a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance, the Administrator—

“(A) may only determine under subsection (c)(2) that information would be duplicative if the chemical substance with respect to which the application for exemption is submitted is in the same category, as established under subsection (a)(5)(B)(i), as a chemical substance for which information has been submitted to the Administrator in accordance with a rule, order, or consent agreement under subsection (a) or for which information is being developed pursuant to such a rule, order, or consent agreement; and

“(B) shall publish a list of all such chemical substances for which an exemption under subsection (c) is granted.”.

SEC. 4. MANUFACTURING AND PROCESSING NOTICES FOR PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (h), by adding at the end the following:

“(7) PFAS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection does not apply to any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance.

“(B) DRUGS AND DEVICES.—Paragraph (3) applies to a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance which is manufactured or processed, or proposed to be manufactured or processed, solely for purposes of—

“(i) scientific experimentation or analysis with respect to a drug or device (as such terms are defined in section 301 of the Federal Food, Drug, and Cosmetic Act) or personal protective equipment (as such term is defined in section 20005 of the CARES Act); or

“(ii) chemical research on, or analysis of, such a chemical substance for the development of a drug or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) or personal protective equipment (as such term is defined in section 20005 of the CARES Act).”; and

(2) by adding at the end the following:

“(j) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

“(1) DETERMINATION.—For a period of 5 years beginning on the date of enactment of this subsection, any chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance for which a notice is submitted under subsection (a) shall be deemed to have been determined by the Administrator to present an unreasonable risk of injury to health or the environment under paragraph (3)(A) of such subsection.

“(2) ORDER.—Notwithstanding subsection (a)(3)(A), for a chemical substance described in paragraph (1) of this subsection, the Administrator shall issue an order under subsection (f)(3) to prohibit the manufacture, processing, and distribution in commerce of such chemical substance.”.

SEC. 5. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

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

“(16) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

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

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

“(B) ALTERNATIVE PROCEDURES.—

“(i) IN GENERAL.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with the national primary drinking water regulation promulgated under subparagraph (A) to measure the levels described in clause (ii) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in such national primary drinking water regulation by publishing the procedure or method in the Federal Register in accordance with section 1401(1)(D).

“(ii) LEVELS DESCRIBED.—The levels referred to in clause (i) are—

“(I) the level of a perfluoroalkyl or polyfluoroalkyl substance;

“(II) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

“(III) the total levels of organic fluorine.

“(C) INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances on—

“(i) the list of contaminants for consideration of regulation under paragraph (1)(B)(i), in accordance with such paragraph; and

“(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i), in accordance with such section.

“(D) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under subparagraph (A) or subparagraph (G)(ii), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

“(E) HEALTH PROTECTION.—The national primary drinking water regulation promulgated under subparagraph (A) shall be protective of the health of subpopulations at greater risk, as described in section 1458.

“(F) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator with respect to one or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

“(G) REGULATION OF ADDITIONAL SUBSTANCES.—

“(i) DETERMINATION.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under subparagraph (A) not later than 18 months after the later of—

“(I) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(II) the date on which—

“(aa) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; or

“(bb) the Administrator has received reliable water data or water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Administrator determines to be of a quality sufficient to make a determination under paragraph (1)(A).

“(ii) PRIMARY DRINKING WATER REGULATIONS.—

“(I) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under clause (i), the Administrator—

“(aa) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of

perfluoroalkyl or polyfluoroalkyl substances; and

“(bb) may publish the proposed national primary drinking water regulation described in item (aa) concurrently with the publication of the determination to regulate the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(II) DEADLINE.—

“(aa) IN GENERAL.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under clause (i)(I) and subject to item (bb), the Administrator shall take final action on the proposed national primary drinking water regulation.

“(bb) EXTENSION.—The Administrator, on publication of notice in the Federal Register, may extend the deadline under item (aa) by not more than 6 months.

“(H) HEALTH ADVISORY.—

“(i) IN GENERAL.—Subject to clause (ii), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not subject to a national primary drinking water regulation not later than 1 year after the later of—

“(I) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(II) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(ii) WAIVER.—The Administrator may waive the requirements of clause (i) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water with sufficient frequency to justify the publication of a health advisory, and publishes such determination, including the information and analysis used, and basis for, such determination, in the Federal Register.”.

SEC. 6. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency may not impose financial penalties for the violation of a national primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a national primary drinking water regulation has been promulgated under section 1412(b)(16) of the Safe Drinking Water Act earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.

SEC. 7. ESTABLISHMENT OF PFAS INFRASTRUCTURE GRANT PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following new section:

“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYSTEMS AFFECTED BY PFAS.

“(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies.

“(b) APPLICATIONS.—

“(1) GUIDANCE.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing

the form and timing for community water systems to apply for grants under this section.

“(2) **REQUIRED INFORMATION.**—The Administrator shall require a community water system applying for a grant under this section to submit—

“(A) information showing the presence of PFAS in water of the community water system; and

“(B) a certification that the treatment technology in use by the community water system at the time of application is not sufficient to meet all applicable standards, and all applicable health advisories published pursuant to section 1412(b)(1)(F), for perfluoroalkyl and polyfluoroalkyl substances.

“(C) **LIST OF ELIGIBLE TREATMENT TECHNOLOGIES.**—Not later than 150 days after the date of enactment of this section, and every 2 years thereafter, the Administrator shall publish a list of treatment technologies that the Administrator determines are the most effective at removing perfluoroalkyl and polyfluoroalkyl substances from drinking water.

“(d) **PRIORITY FOR FUNDING.**—In awarding grants under this section, the Administrator shall prioritize an affected community water system that—

“(1) serves a disadvantaged community;

“(2) will provide at least a 10-percent cost share for the cost of implementing an eligible treatment technology;

“(3) demonstrates the capacity to maintain the eligible treatment technology to be implemented using the grant; or

“(4) is located within an area with respect to which the Administrator has published a determination under the first sentence of section 1424(e) relating to an aquifer that is the sole or principal drinking water source for the area.

“(e) **NO INCREASED BONDING AUTHORITY.**—Amounts awarded to affected community water systems under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section not more than—

“(A) \$125,000,000 for each of fiscal years 2022 and 2023; and

“(B) \$100,000,000 for each of fiscal years 2024 through 2026.

“(2) **SPECIAL RULE.**—Of the amounts authorized to be appropriated by paragraph (1), \$25,000,000 are authorized to be appropriated for each of fiscal years 2022 and 2023 for grants under subsection (a) to pay for capital costs associated with the implementation of eligible treatment technologies during the period beginning on October 1, 2014, and ending on the date of enactment of this section.

“(g) **DEFINITIONS.**—In this section:

“(1) **AFFECTED COMMUNITY WATER SYSTEM.**—The term ‘affected community water system’ means a community water system that is affected by the presence of PFAS in the water in the community water system.

“(2) **DISADVANTAGED COMMUNITY.**—The term ‘disadvantaged community’ has the meaning given that term in section 1452.

“(3) **DISPROPORTIONATELY EXPOSED COMMUNITY.**—The term ‘disproportionately exposed community’ means a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, or youth.

“(4) **ELIGIBLE TREATMENT TECHNOLOGY.**—The term ‘eligible treatment technology’ means a

treatment technology included on the list published under subsection (c).

“(5) **PFAS.**—The term ‘PFAS’ means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom, including the chemical GenX.”

SEC. 8. LISTING OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS HAZARDOUS AIR POLLUTANTS.

(a) **LISTING.**—

(1) **INITIAL LISTING.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue a final rule adding perfluorooctanoic acid and its salts, and perfluorooctanesulfonic acid and its salts, to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)).

(2) **ADDITIONAL LISTINGS.**—Not later than 5 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall determine whether to issue, in accordance with section 112 of the Clean Air Act (42 U.S.C. 7412), any final rules adding perfluoroalkyl and polyfluoroalkyl substances, other than those perfluoroalkyl and polyfluoroalkyl substances listed pursuant to paragraph (1), to the list of hazardous air pollutants under section 112(b) of such Act.

(b) **SOURCES CATEGORIES.**—Not later than 365 days after any final rule is issued pursuant to subsection (a), the Administrator of the Environmental Protection Agency shall revise the list under section 112(c)(1) of the Clean Air Act (42 U.S.C. 7412(c)(1)) to include categories and subcategories of major sources and area sources of perfluoroalkyl and polyfluoroalkyl substances listed pursuant to such final rule.

SEC. 9. PROHIBITION ON UNSAFE WASTE INCINERATION OF PFAS.

Section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) is amended by adding at the end the following new subsection:

“(2) **PFAS WASTES.**—

“(1) **FIREFIGHTING FOAM.**—Not later than 6 months after the date of enactment of this subsection, the Administrator shall promulgate regulations requiring that when materials containing perfluoroalkyl and polyfluoroalkyl substances or aqueous film forming foam are disposed—

“(A) all incineration is conducted in a manner that eliminates perfluoroalkyl and polyfluoroalkyl substances while also minimizing perfluoroalkyl and polyfluoroalkyl substances emitted into the air to the extent feasible;

“(B) all incineration is conducted in accordance with the requirements of the Clean Air Act, including controlling hydrogen fluoride;

“(C) any materials containing perfluoroalkyl and polyfluoroalkyl substances that are designated for disposal are stored in accordance with the requirement under part 264 of title 40, Code of Federal Regulations; and

“(D) all incineration is conducted at a facility that has been permitted to receive waste regulated under this subtitle.

“(2) **PENALTIES.**—For purposes of section 3008(d), a waste subject to a prohibition under this subsection shall be considered a hazardous waste identified or listed under this subtitle.”

SEC. 10. LABEL FOR PFAS-FREE PRODUCTS.

(a) **LABEL FOR PFAS-FREE PRODUCTS.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) revise the Safer Choice Standard of the Safer Choice Program to identify the requirements for a pot, pan, cooking utensil, carpet, or rug, clothing, or upholstered furniture, or a stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act to meet in order to be labeled with a Safer Choice label, including a requirement that any such pot, pan, cooking utensil, carpet, rug,

clothing, or upholstered furniture, or stain resistant, water resistant, or grease resistant coating does not contain any PFAS; or

(2) establish a voluntary label that is available to be used by any manufacturer of any pot, pan, cooking utensil, carpet, rug, clothing, or upholstered furniture, or stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act that the Administrator has reviewed and found does not contain any PFAS.

(b) **DEFINITION.**—In this section, the term “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

SEC. 11. GUIDANCE ON MINIMIZING THE USE OF FIREFIGHTING FOAM AND OTHER RELATED EQUIPMENT CONTAINING ANY PFAS.

(a) **GUIDANCE.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the head of the U.S. Fire Administration, Federal Aviation Administration, and other relevant Federal departments or agencies and representatives of State and local building and fire code enforcement jurisdictions, shall issue guidance on minimizing the use of, or contact with, firefighting foam and other related equipment containing any PFAS by firefighters, police officers, paramedics, emergency medical technicians, and other first responders, in order to minimize the risk to such firefighters, police officers, paramedics, emergency medical technicians, and other first responders, and the environment, without jeopardizing firefighting efforts.

(b) **ANNUAL REPORT.**—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the head of the U.S. Fire Administration, shall submit to Congress a report on the effectiveness of the guidance issued under subsection (a). Such report shall include recommendations for congressional actions that the Administrator determines appropriate to assist efforts to reduce exposure to PFAS by firefighters and the other persons described in subsection (a).

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the head of the U.S. Fire Administration and other relevant Federal departments or agencies, shall report to Congress on the efforts of the Environmental Protection Agency and other relevant Federal departments and agencies to identify viable alternatives to firefighting foam and other related equipment containing any PFAS.

(d) **DEFINITION.**—In this section, the term “PFAS” means perfluorooctanoic acid, perfluorooctanesulfonic acid, and any other perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom that the Administrator of the Environmental Protection Agency determines is used in firefighting foam and other related equipment.

SEC. 12. INVESTIGATION OF PREVENTION OF CONTAMINATION BY GENX.

The Administrator of the Environmental Protection Agency shall investigate methods and means to prevent contamination by GenX of surface waters, including source waters used for drinking water purposes.

SEC. 13. DISCLOSURE OF INTRODUCTIONS OF PFAS.

(a) **IN GENERAL.**—The introduction of any perfluoroalkyl or polyfluoroalkyl substance by the owner or operator of an industrial source shall be unlawful unless such owner or operator first notifies the owner or operator of the applicable treatment works of—

(1) the identity and quantity of such substance;

(2) whether such substance is susceptible to treatment by such treatment works; and

(3) whether such substance would interfere with the operation of the treatment works.

(b) VIOLATIONS.—A violation of this section shall be treated in the same manner as a violation of a regulation promulgated under subsection 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b)).

(c) DEFINITIONS.—In this section:

(1) INTRODUCTION.—The term “introduction” means the introduction of pollutants into treatment works, as described in section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(2) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

SEC. 14. HOUSEHOLD WELL WATER TESTING WEBSITE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish a website containing information relating to the testing of household well water.

(b) CONTENTS.—The Administrator shall include on the website established under subsection (a) the following:

(1) Information on how to get groundwater that is the source for a household water well tested by a well inspector who is certified by a qualified third party.

(2) A list of laboratories that analyze water samples and are certified by a State or the Administrator.

(3) State-specific information, developed in coordination with each State, on naturally occurring and human-induced contaminants.

(4) Information that, using accepted risk communication techniques, clearly communicates whether a test result value exceeds a level determined by the Administrator or the State to pose a health risk.

(5) Information on treatment options, including information relating to water treatment systems certified by the National Science Foundation or the American National Standards Institute, and people who are qualified to install such systems.

(6) A directory of whom to contact to report a test result value that exceeds a level determined by the Administrator or the State to pose a health risk.

(7) Information on financial assistance that is available for homeowners to support water treatment, including grants under section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) and State resources.

(8) Any other information the Administrator considers appropriate.

(c) COORDINATION.—The Administrator shall coordinate with the Secretary of Health and Human Services, the Secretary of Agriculture, and appropriate State agencies in carrying out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2022.

SEC. 15. RISK-COMMUNICATION STRATEGY.

The Administrator of the Environmental Protection Agency shall develop a risk-communication strategy to inform the public about the hazards or potential hazards of perfluoroalkyl and polyfluoroalkyl substances, or categories of perfluoroalkyl and polyfluoroalkyl substances, by—

(1) disseminating information about the risks or potential risks posed by such substances or categories in land, air, water (including drinking water), and products;

(2) notifying the public about exposure pathways and mitigation measures through outreach and educational resources; and

(3) consulting with States that have demonstrated effective risk-communication strategies for best practices in developing a national risk-communication strategy.

SEC. 16. ASSISTANCE TO TERRITORIES FOR ADDRESSING EMERGING CONTAMINANTS, WITH A FOCUS ON PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

Section 1452(t) of the Safe Drinking Water Act (42 U.S.C. 300f–12) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) ASSISTANCE TO TERRITORIES.—Of the amounts made available under this subsection, the Administrator may use funds to provide grants to the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.”.

SEC. 17. CLEAN WATER ACT EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS AND WATER QUALITY CRITERIA FOR PFAS.

(a) DEADLINES.—

(1) WATER QUALITY CRITERIA.—Not later than 3 years after the date of enactment of this section, the Administrator shall publish in the Federal Register human health water quality criteria under section 304(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314) for each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(2) EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS FOR PRIORITY INDUSTRY CATEGORIES.—As soon as practicable, but not later than 4 years after the date of enactment of this section, the Administrator shall publish in the Federal Register a final rule establishing, for each priority industry category, effluent limitations guidelines and standards, in accordance with the Federal Water Pollution Control Act, for the discharge (including a discharge into a publicly owned treatment works) of each measurable perfluoroalkyl substance, polyfluoroalkyl substance, and class of such substances.

(b) NOTIFICATION.—The Administrator shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of each publication made under this section.

(c) IMPLEMENTATION ASSISTANCE FOR PUBLICLY OWNED TREATMENT WORKS.—

(1) IN GENERAL.—The Administrator shall award grants to owners and operators of publicly owned treatment works, to be used to implement effluent limitations guidelines and standards developed by the Administrator for a perfluoroalkyl substance, polyfluoroalkyl substance, or class of such substances.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the administrator to carry out this subsection \$200,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(d) NO INCREASED BONDING AUTHORITY.—Amounts awarded to an owner or operator of a publicly owned treatment works under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) EFFLUENT LIMITATION.—The term “effluent limitation” has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(3) MEASURABLE.—The term “measurable” means, with respect to a chemical substance or class of chemical substances, capable of being measured using test procedures established under section 304(h) of the Federal Water Pollution Control Act (33 U.S.C. 1314).

(4) PERFLUOROALKYL SUBSTANCE.—The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(5) 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.

(6) PRIORITY INDUSTRY CATEGORY.—The term “priority industry category” means the following point source categories:

(A) Organic chemicals, plastics, and synthetic fibers, as identified in part 414 of title 40, Code of Federal Regulations (or successor regulations).

(B) Pulp, paper, and paperboard, as identified in part 430 of title 40, Code of Federal Regulations (or successor regulations).

(C) Textile mills, as identified in part 410 of title 40, Code of Federal Regulations (or successor regulations).

(D) Electroplating, as identified in part 413 of title 40, Code of Federal Regulations (or successor regulations).

(E) Metal finishing, as identified in part 433 of title 40, Code of Federal Regulations (or successor regulations).

(F) Leather tanning and finishing, as identified in part 425 of title 40, Code of Federal Regulations (or successor regulations).

(G) Paint formulating, as identified in part 446 of title 40, Code of Federal Regulations (or successor regulations).

(H) Electrical and electronic components, as identified in part 469 of title 40, Code of Federal Regulations (or successor regulations).

(I) Plastics molding and forming, as identified in part 463 of title 40, Code of Federal Regulations (or successor regulations).

(7) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

The SPEAKER pro tempore. The bill, as amended, is debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce or their respective designees.

The gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Washington (Mrs. RODGERS) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2467, the PFAS Action Act of 2021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1230

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2467, the PFAS Action Act of 2021, is a comprehensive package of strategies to regulate PFAS chemicals, clean up contamination, and protect public health. I am proud to support this bipartisan bill which will deliver the tools communities across the country need to get PFAS out of our environment and out of the pathways that lead to our bodies.

PFAS are an urgent public health threat. They are toxic, persistent, and

being found in the environment across the country.

Just how common are they?

A recent report from the Agency for Toxic Substances and Disease Registry concluded that “Most people in the United States have been exposed to PFAS and have PFAS in their blood.” That finding is pretty astounding and incredibly concerning to families across the Nation.

After all, these forever chemicals have long been linked with adverse health effects including cancer, immune system effects, infertility, impaired child development, high cholesterol, and thyroid disease.

Industry has known about these dangers for decades, but we still have no Federal protections from PFAS in drinking water, no limits on PFAS air emissions, no Federal cleanup requirements on PFAS sites, and no limits on dumping PFAS into our waterways. We don’t even have labeling of PFAS ingredients to allow consumers to protect themselves.

Right now, the Environmental Protection Agency is playing catch-up after 4 years of little action by the Trump administration, but this bill will help EPA tackle the complex challenge of PFAS by taking direct action on the two most studied PFAS, PFOS and PFOA, right away, while setting a reasonable timeline to study and evaluate other PFAS. This approach puts the focus on following the science by tailoring testing to relevant subgroups of PFAS and focusing regulation on the riskiest chemicals.

Mr. Speaker, over a decade ago, PFOA and PFOS were voluntarily phased out by industry. While no longer in use, they continue to threaten public health because of widespread environmental contamination. This bill will drive environmental cleanups of that contamination and drinking water treatment, addressing the threat of PFOA and PFOS to communities across the country.

Now, all other PFAS will be tested as appropriate. And where that testing reveals risk, this bill will ensure that EPA takes timely action to prevent and mitigate environmental contamination.

In the meantime, this bill will pause the introduction of untested new PFAS while providing guidance and labels to help first responders and consumers limit their risk.

Mr. Speaker, the longer we delay action on PFAS, the worse the problem becomes. It is time for Congress to act and use every tool available to stop the flow of PFAS pollution into our environment and into our bodies.

A version of this bill was passed overwhelmingly last Congress with significant bipartisan support. It is championed—and I can’t underestimate how much Representatives DINGELL and UPTON of Michigan have worked on this bill. I commend them for their continued leadership.

I also thank Environment and Climate Change Subcommittee Chairman

TONKO and Ranking Member MCKINLEY for their continued support.

We can’t delay any longer. We should pass this bipartisan legislation today.

I urge my colleagues to vote for the PFAS Action Act so that we can finally take action on these dangerous forever chemicals.

Mr. Speaker, I reserve the balance of my time.

Mrs. RODGERS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 2467, the PFAS Action Act, and I urge my colleagues to join me in voting “no.”

The decision to oppose H.R. 2467 was not easy, but this version is not the right approach.

PFAS contamination is a serious problem in many congressional districts. That is true for me, too. My district has PFOA and PFOS contamination at Fairchild Air Force Base in Airway Heights, Washington, and I very much want it cleaned up.

I have problems, though, with H.R. 2467’s overwhelming, heavy-handed, and unscientific approach. I am struggling with why this aggressive expansion of Federal power and spending is the best answer that the people’s House can provide.

What does this massive proposal mean, and are we ready to go this far?

I cannot stress this enough: what we are addressing today is not about one, two, or just a handful of legacy chemicals. PFAS are, instead, an enormous and diverse class of manmade chemicals. EPA’s “Master List of PFAS Substances” contains more than 9,000 distinct chemicals, and the definition in this bill would apply to every one of those 9,252 chemicals and their uses.

Since the late fall of 2020, Congress has enacted 31 separate provisions to address PFAS. Congress has compelled cleanup of PFAS at military installations, banned certain uses of PFAS chemicals in products, pushed cooperative agreements for cleanups with States, and authorized \$500 million for removing emerging contaminants, especially PFAS, from drinking water.

Similarly, EPA has advanced nine major regulatory efforts for PFOA, PFOS, and some of the other PFAS chemicals.

EPA Administrator Regan also has commissioned a multiyear review process at EPA to consider any necessary modifications and to identify new strategies and priorities related to PFAS.

I want strong scientific backing for anything that we do to address PFAS chemicals. I am concerned that the mandates in the PFAS Action Act will frustrate EPA’s existing science-based plans. This bill instead will cement policy choices with long-range implications. It will overwhelm EPA’s existing resources to tackle environmental and public health challenges beyond PFAS.

The PFAS Action Act is not a measured approach. It prejudices outcomes,

showing little regard for objective science, risk assessment, transparency, and public input.

For example, the bill requires EPA to make regulatory determinations within 5 years on 9,250 PFAS chemicals—and without public participation.

This impossible deadline is a lawsuit waiting to happen. It requires every manufacturer and processor to conduct comprehensive testing on all 9,252 PFAS. This will overwhelm existing domestic laboratory capacity to focus on any other scientific or public health matter.

Like it or not, some PFAS chemicals have specific properties that aren’t easily addressed with other chemical types, like stability and water, oil, stain, and heat resistance. This makes them crucial in making semiconductors, lithium ion batteries in electric vehicles, solar panels, wind turbine parts, medical devices and drugs, and protective gear for our military and law enforcement.

This bill would create a hostile environment in the United States of America for their manufacture and use. It will create a de facto ban in the marketplace and a boon for trial lawyers. It prevents new PFAS from coming on to the market for 5 years. This will result in the drying up of investment in safe PFAS chemicals and PFAS product purchases. It also will signal to trial courts that all PFAS are hazardous.

It singles out PFAS manufacturers and uses a complex and expensive regulatory approach. It uses an unattainable standard to ban incineration of PFAS-contaminated material. This will federalize local trash collection and clog our Nation’s remaining landfill capacity.

It attaches permanent, open-ended cleanup liability to any person who has ever been associated with PFAS, regardless of whether you were a good actor.

Mr. Speaker, cleanup liability is: “Strict,” so your intent is irrelevant; “Joint and several,” so you are not just responsible for your fair share, you are responsible for everyone’s shares;

And, “retroactive,” so it doesn’t matter if the liability occurred 5 years, 10 years, 20 years, or 50 years ago or even further back.

Given the compliance costs, the sidelining of investment, the endless liability under CERCLA, tort lawsuits, and the inability to make or finance safer replacement chemicals and products, it is not hard to see how H.R. 2467 creates a de facto ban on 9,252 chemicals. It threatens the viability of every industry that needs these chemicals and products that benefit our society.

Make no mistake, Mr. Speaker, this bill essentially bans the materials that are necessary for America to win the future. That includes protective gear for law enforcement at a time when violent crime is surging in our country.

In drafting this legislation over two Congresses, the majority never called

EPA to testify on the bill. Now we are left with the opinions of the politicians and the White House, not the career scientists and the experts who will have to implement it. So much for trust the science.

In addition, the Congressional Budget Office has had trouble scoring this bill and a nearly identical bill from last Congress. That is because there are so many PFAS chemicals, and the mandates in this bill have no limits on either the Federal Treasury or the private sector. The bill also poses a significant burden on EPA's time and the lack of additional resources EPA will have to tackle other issues critical to their mission.

We all want to have a good solution to address PFAS contamination, but this bill falls short, unfortunately.

Mr. Speaker, I urge Members to join me in opposing this approach. We can do better.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), who has done so much to protect our environment.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I thank him for his extraordinary leadership as chair of the Energy and Commerce Committee, and I thank him for bringing this important legislation to the floor. I thank Mr. TONKO for his leadership as chair of the subcommittee of jurisdiction, the Environment and Climate Change Subcommittee, and I thank Mr. MCKINLEY, the ranking member on that subcommittee.

I respectfully disagree with the ranking member of the full committee, and I will tell you why. I join our colleagues in support of the PFAS Action Act to address the serious public health issue that is a threat; PFAS chemicals, which are contaminating the water we drink, the air we breathe, and the food we eat.

First, I salute Representative DEBBIE DINGELL, a crusader in our mission to protect our communities from dangerous PFAS chemicals. I thank, again, as I said, Chairman PALLONE, Chairman TONKO, and Ranking Member MCKINLEY.

Mr. Speaker, PFAS are referred to as "forever chemicals". They are so called because they do not easily break down and even accumulate over time. Right now, they are exposing millions of Americans to health risks ranging from cancer to asthma, and liver disease to thyroid dysfunction.

For babies, they can be particularly devastating with prenatal exposure potentially leading to abnormal growth in utero, low birth rate, and increased risk of childhood obesity and infections. Our distinguished chairman enumerated other threats to the health and wellbeing of the American people.

When people ask me: What are the three most important issues facing the Congress, I always say the same thing: Our children, our children, our chil-

dren, their health, their education, the economic security of their families, and a safe and clean environment where they can thrive in a world of peace in which they can reach their fulfillment.

Mr. Speaker, PFAS chemicals are clearly and seriously harming to our children's health.

A coalition of public health groups, including the American Academy of Pediatrics, American Public Health Association, National Medical Association, and Children's Environmental Health Network, have written: "These ubiquitous substances pose severe health risks across the United States and represent a growing threat to public health."

They further state: "PFAS are particularly dangerous . . . widespread and likely present in the drinking water of tens of millions of Americans."

Further: "Developing infants and children are particularly vulnerable to PFAS exposure. . . ."

"Of concern, almost all fetuses and infants will have some degree of exposure to PFAS. . . ."

"PFAS exposure before birth or in early childhood has been associated with decreased birth weight, effects on renal function and lipid serum levels, and immune system dysfunction."

That statement was from the American Academy of Pediatrics, American Public Health Association, National Medical Association, and the Children's Environmental Health Network.

In addition to our children and young people, PFAS also poses a serious risk to America's servicemembers. There is an epidemic of contamination on military sites with more than 400 sites across the United States affected.

I have had the privilege, Mr. Speaker, of hearing the concerns of many of these families. It is not just about the servicemembers, it is about their children who are affected.

It is unacceptable that the men and women who sacrifice to keep us safe around the world face this danger to their health and that of their children here at home. Yet, despite these obvious and well-known risks, big corporations have for decades failed or refused to prevent their spread.

□ 1245

A new study published last week shows that based on EPA data, an estimated 30,000 industrial sites are known or suspected of using toxic PFAS; 12 times what had been previously estimated. We cannot accept a situation where big special interests' bottom line comes before the public's lives.

To address this crisis, 2 years ago, Democrats crafted strong legislation to rid our communities of PFAS. Many Democrats, and many Members here, played a key role in crafting PFAS-related bills that were included in the bipartisan NDAA agreement reached in the House that year.

I thank Chairman SMITH and the members of the committee. Unfortu-

nately, the GOP Senate then refused to support full protections against PFAS chemicals and cut those key provisions from the NDAA; that is, the National Defense Authorization Act.

Last year, House Democrats passed the PFAS Action Act of 2019, which passed with strong bipartisan support, but did not become law because MITCH MCCONNELL senselessly refused to take it up in the Senate.

Now the Democratic House will, once again, pass the PFAS Action Act and send it to the Senate. We are making clear that this legislation is a priority for the American people, and we will not relent until it is enacted.

This legislation will clean up our communities by designating the two most-studied PFAS as a hazardous substance by the EPA and setting a deadline for the EPA to make designation decisions about all other PFAS chemicals.

Next, it will create new, well-funded grants and partnerships with States to help clean up and remedy sites. It will stem the tide of further contamination with tough new testing, reporting, and monitoring requirements; strict limits on the introduction of new PFAS chemicals; limits on air pollution; banning unsafe incineration; and strong measures to hold contaminating companies accountable.

I spent the time to be so specific because this is such a threat to the health and well-being of our children, our children, our children. I urge a strong vote for this legislation, which honors our first responsibility of Congress, to keep our American people safe.

Mrs. RODGERS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. BUCSHON), an exceptional leader on the Energy and Commerce Committee and a cardiothoracic surgeon.

Mr. BUCSHON. Mr. Speaker, I rise today in opposition to the bill in its current form. I support the efforts to address dangerous, high levels of PFAS in our drinking water systems and other areas of our environment. That is why I submitted a bipartisan amendment with Mr. SCHRADER that would simply exempt PFAS used to manufacture medical devices and drugs that are approved by the FDA. It was a very limited amendment.

Polytetrafluoroethylene, or PTFE, seen in the graph on the board behind me, is used to treat atrial septal defects, most of the time in young children. Thanks to great advancements in medical technology like this procedure, it is now done in an outpatient setting, rather than open-heart surgery. For years, I did open-heart surgery on people with ASDs, and now they can repair them with a device. This is one device that could be banned.

Vascular grafts to repair aneurysms or bypass blocked arteries are another example. I implanted hundreds of these type of devices in patients. The fact of

the matter is, it has been shown over and over that PTFE in devices poses no risk to people or to our environment. The bill in its current form fails to consider that fact and jeopardizes patient access to lifesaving drugs and devices, leaving physicians and patients with no viable alternative or an inferior alternative. Would anyone want to be treated with an inferior alternative when we are unnecessarily banning the best treatment? I would argue no.

Unfortunately, my commonsense, bipartisan, lifesaving amendment was not made in order. I hope this bill does continue to move through the legislative process and that we can work to address this issue. I urge a “no” vote on this bill.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), our majority leader.

Mr. HOYER. Mr. Speaker, I thank Chairman PALLONE for yielding, and I thank him for his work on this piece of legislation, along with Mrs. DINGELL, a member of the committee. Obviously, the gentlewoman’s deceased husband was chairman of this committee and ranking member for many, many years and was a leader in many respects on addressing environmental challenges. This is an environmental challenge. There is no disagreement on that. There, obviously, is disagreement on specifics.

The gentleman who just spoke, in a very knowledgeable and thoughtful way, said he hopes this legislation moves forward, but he is in opposition to it. I understand he does not want it to pass. But his comment was that, hopefully, this would be perfected in the legislative process.

Now, I do not claim to be, Mr. Speaker, an expert on this chemical. I do know, however, that it affects my district, and every single congressional district in our country is affected by this challenge. That is because every district has faced the challenge of PFAS contamination, which has affected nearly 2,800 communities according to an analysis by the Environmental Working Group. I heard a figure of about 9,200 sites as well from the ranking member.

Like countless other districts in the country, Maryland’s Fifth District, which I have the privilege of representing, contamination has been detected at military installations. We are proud of our military installations. Pax River is a, I think, world leading air test, research, and evaluation center for naval air, as well as other air, including helicopters of the Army. Also in my district is the Naval Research Laboratory, Chesapeake Bay Detachment.

The citizens surrounding them are concerned, rightly, about what the contamination may have done to the water they and their children drink or bathe in. Thankfully, the defense authorization that we enacted in 2019 required our military to transition away from the use of PFAS chemicals in

firefighting fluids, a major source of contamination.

However, the PFAS pollution that has already occurred needs to be cleaned up, and this legislation would set requirements and deadlines for EPA to do so. Our citizens deserve to have that done. We must prevent PFAS chemicals from entering drinking water used by our communities. I think there is no disagreement on that.

PFAS has been called a forever chemical. Apparently, the biological fact of life is that it does not degrade over long periods of time, because they can linger in the human body for a whole lifetime, causing health effects ranging from cancers to reproductive and immune system deficiencies.

For 4 years, the previous administration claimed that it would take action through the EPA to protect Americans from PFAS contamination. Perhaps if they had done so, we wouldn’t have this legislation; but they did not do so. They failed to protect the American people from these harmful chemicals. So the committee has acted in this instance and previously.

Now it is time for Congress to act. Again, I am not an expert on this legislation, but I do know that the committee has carefully weighed how to make sure that we move forward, and in the view of people more expert than I, will not preclude every chemical from being utilized in needed and important items that we use every day in our society, but will provide, because of the designation as a hazardous material, that it be cleaned up where it is necessary to do so.

It ensures that EPA finally takes measures to prevent future release of PFAS chemicals into our environment and clean them up where such contamination has occurred.

Therefore, Mr. Speaker, I urge my colleagues to join me, not just because this is so important to the people living in Maryland’s Fifth District, but because it is critical to all Americans living in each and every one of our districts.

Mr. Speaker, I encourage the Senate to join us in taking this step to protect Americans’ access to drinking water and look carefully at the issues that have been raised by the ranking member, legitimate issues in the sense that, yes, we ought to make sure that we are doing the right thing and that the good is not outweighed by the bad.

In this instance, I think it is very clear that the good of this bill, the objectives of this bill, and the specifics of this bill, will redound to the benefit of the American people and each and every one of our communities, and I urge my colleagues, therefore, to vote “yes.”

Mrs. RODGERS of Washington. Mr. Speaker, I just want to clarify that the previous administration, as well as the current administration, has been taking several actions in connection with PFAS; this large group of chemicals. We are talking about 9,252 chemicals; not just one.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. WALBERG), a member of the committee and a problem solver.

Mr. WALBERG. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I have been working to combat PFAS in the Great Lakes State that, truthfully, led the Nation in PFAS efforts for many years, including with my Michigan colleagues and sponsors of this bill.

Back in 2017, we hosted EPA staff at several contaminated sites in southeast Michigan so they could see firsthand the extent of the problem. We formed the Congressional PFAS Task Force and pushed for essential resources for PFAS research and cleanup efforts.

Many of our efforts have, actually, been enacted into law during the last administration and countless cleanup efforts are currently ongoing at all levels of government. In fact, over half of the provisions in this bill are already underway at EPA.

Unfortunately, other provisions in this bill would require the EPA to take a misguided approach by considering the group of more than 600 PFAS currently on the market, and the thousands of other unknown potential PFAS chemistries as if they were all the same.

Make no mistake, I believe this is a serious problem and it deserves serious solutions, but the bill before us today, although sincerely well-intended, goes too far. H.R. 2467 is so expansive that the CBO was unable to assign it a budgetary score, underscoring the untold cost and liability that it will impose on thousands, if not millions of manufacturers and consumers alike.

H.R. 2467 represents the largest expansion of regulatory authority at the EPA or perhaps any Federal agency in decades. But even more so, this bill will hamstring our small businesses, manufacturers, and water utilities by forcing them to take on so much cost and liability that they will be unable to comply or forced to raise prices and hire armies of attorneys all because Congress decided to substitute its political agenda for objective scientific judgment.

The Great Lakes Water Authority recently wrote to me regarding their concerns about the bill. A leading drinking water and wastewater treatment provider for southeast Michigan communities, Great Lakes Water Authority provides clean drinking water to nearly 40 percent of Michiganders. They told me this bill could likely cause them to be liable for trying to dispose of PFAS even if they are using current best practices.

As many would say, we ought to follow the science by letting the experts at EPA do their jobs and refrain from prejudging outcomes, overhauling existing regulatory structures, and most importantly, crippling our economy. I urge my colleagues to vote “no.”

□ 1300

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), the chairman of the Transportation and Infrastructure Committee who has always been so cooperative with us on both this bill and so many others.

Mr. DEFAZIO. Mr. Speaker, I thank the chairman for yielding and for the cooperative work we have done on this bill, clean water bills, and many other issues. It is great to work with him and the committee.

Mr. Speaker, I rise in strong support of this legislation. The health effects that are known, are, you know, just a few things: cancer, kidney disease, pregnancy-related disorders, low birth weights, and immune system repression. But that is just what we know, so I guess we shouldn't worry about this too much.

Once it is in the environment, it breaks down. Once it is in your body, it doesn't go away. You get to certain levels and, then, you are going to start having these health effects. They are forever chemicals.

But, right now, there are no stringent requirements to test or monitor for PFAS. We don't know the extent of the pollution.

This bill is critical to address this legacy and public health risk and put us on a path to addressing the pervasive threat to our health, our citizens, and our environment.

I want to highlight a few sections that fall within the jurisdiction of my committee, the provisions which designate PFAS-related chemicals as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act, CERCLA, commonly known as Superfund.

We did put in a very limited exemption, which goes to firefighting at airports. Right now, the foam they use contains PFAS, and if they follow the FAA rules, they won't have liability. But DOD, FAA, and others are researching alternatives for foam retardants, and hopefully, they won't have to use this stuff in the near future.

There are two Clean Water Act amendments that will limit the additional release of PFAS; the first by the gentleman from New Hampshire (Mr. PAPPAS), who has been very persistent on this issue, closing a Clean Water Act loophole for discharges. Today, companies can legally discharge almost unlimited quantities of PFAS-related chemicals into rivers, streams, and lakes because the EPA has not set limits for discharging into our aquatic environment. This is unacceptable. The gentleman's amendment will set statutory guidelines for the EPA to act and set those limits.

Section 17 prioritizes the industry sectors with the greatest likelihood of discharging harmful quantities. The gentleman did great work on this. We worked with wastewater utilities and

industry representatives, and they agree with our approach.

I also rise in support of section 13, another Clean Water Act provision, by the gentleman from New York (Mr. DELGADO), a member of my committee, to prevent our sewers from being dumping grounds. Industrial discharges can now be discharged into local municipal systems, and if it is not known, then they can't deal with it. They can't pretreat it, and they can't get it out.

So, I rise in strong support of this bill, and I thank everyone who participated in its writing.

Mrs. RODGERS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. ARMSTRONG), another dynamic member of the Committee on Energy and Commerce.

Mr. ARMSTRONG. Mr. Speaker, throughout the consideration of this bill in committee, at Rules, and now here, several of my Democratic colleagues have argued CERCLA liability only attaches to two legacy chemicals, and we don't have to worry about others. Unfortunately, that is not the case.

This bill requires regulatory determination on 9,250 different chemicals, individually or in groups, on whether they will be CERCLA hazardous substances.

My colleagues argue that people don't have to worry about Superfund liability if they don't cause environmental harm. This argument is false.

Superfund liability is strict liability. If a party has any involvement, they are liable, period, end of story. That strict liability is what causes concern and is why Mr. BURGESS offered an amendment to make only those who cause the pollution pay for its cleanup. For some reason, the majority found issue with that amendment and prevented its commonsense consideration.

If there is interest on the other side of the aisle in changing the overall rules of Superfund liability, I am sure we would be happy to consider it. Short of that improvement, my colleagues should not take comfort that only reckless, willful, or irresponsible parties will be held liable under future CERCLA designations.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. TONKO), the chairman of the Environment and Climate Change Subcommittee, who has worked very hard on this issue for a number of years.

Mr. TONKO. Mr. Speaker, I thank the gentleman from New Jersey for yielding and for his leadership on this bill.

We know the health effects of PFAS exposure can be severe: cancer, thyroid problems, birth defects, and immune system disruptions, amongst others. Sadly, there are many communities and individuals across our great country who are suffering these health consequences.

Despite knowing the dangers of these forever chemicals, the Federal Govern-

ment has been slow to act. I say enough is enough.

The PFAS Action Act would require significant steps to ensure that our Federal Government is responding comprehensively and reducing the risk of exposure through our air, water, and consumer products.

It includes actions under numerous environmental statutes, including designating the two most well-studied PFAS, PFOA and PFOS, as hazardous substances and setting a deadline for a national drinking water standard to, at a minimum, ensure vulnerable groups, including pregnant women, infants, and children, are protected.

The bill includes other critical provisions to reduce exposure, empower consumers, and expedite cleanups.

Despite what some may want to suggest, designating PFOA and PFOS as hazardous substances under CERCLA is not a ban. There are literally hundreds of hazardous substances that continue to be used in manufacturing processes and commerce broadly.

What it will do is ensure that polluters are held accountable to clean up their messes when toxic releases occur and ensure that remediation is done to an acceptable level.

We have waited far too long already for action. Despite promising initial steps from the Biden administration, I fear the EPA will not adequately address PFAS without clear direction from Congress. As the administration recognized, this bill supports the commitment across the branches of government to take on this challenge.

This is the bill our constituents and those living with PFAS in their communities need.

I thank Representatives DINGELL and UPTON for their commitment to addressing these dangerous forever chemicals, and I encourage Members to support this bill.

Mrs. RODGERS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. PALMER), our policy chairman and a member of the Energy and Commerce Committee.

Mr. PALMER. Mr. Speaker, I rise in opposition to H.R. 2467.

This misguided bill treats all PFAS chemicals the same way, creating a de facto ban on many lifesaving products that Americans rely on.

By voting for this bill, my Democratic colleagues are ignoring the science, including peer-reviewed research that clearly shows that certain fluoropolymers, including some that have been used for more than 50 years, do not present a concern for human health or the environment.

Despite this evidence, my Democrat colleagues have refused to make reasonable changes to this bill so that fluoropolymer chemicals used in FDA-approved medical devices are not labeled hazardous substances under CERCLA and the Clean Air Act.

Let me put it bluntly. By not exempting the fluoropolymers used in medical devices already approved by

the FDA, you are denying people access to lifesaving products such as heart valves for infants and grafts for aortic aneurysm repairs.

I ask my Democrat colleagues: Are you so opposed to all categories of PFAS chemicals that you commit to refusing all medical devices and drugs containing the fluoropolymers you are banning?

If you must have open-heart surgery, will you instruct your doctor to avoid using any device or surgical instrument that has fluoropolymers regardless of the implications for the outcome?

If your child or grandchild needs an FDA-approved heart valve, do you commit to denying them that care since it contains fluoropolymers?

That is what you are trying to force on the general population with this legislation.

Furthermore, this bill will put millions of Americans who have already received medical devices containing fluoropolymers at risk. As noted in committee by my colleague, Dr. LARRY BUCSHON, with the passage of this bill, the FDA might have to designate all devices with any fluoropolymers as hazardous and recall them.

There is bipartisan agreement on the need to protect the public from harmful PFAS chemicals, but there is no rational reason why lifesaving fluoropolymers could not be exempted.

Mr. Speaker, I urge my colleagues to vote "no" on this bill.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. DINGELL), who is the sponsor of the bill and who has really brought our attention to this issue and prioritized it from the very beginning.

Mrs. DINGELL. Mr. Speaker, I thank the chairman for being such a strong leader and getting us to where we are today.

Mr. Speaker, I am proud to stand here in support of this very important piece of bipartisan legislation, which I am leading with my good friend and colleague, Representative FRED UPTON.

This is a meaningful bill that is the product of good bipartisan work by the Energy and Commerce Committee. It passed the House with strong bipartisan support in the last Congress, and it is an example that bipartisanship does exist on Capitol Hill. This bill embodies it, and today's vote will once again validate that.

PFAS chemicals are an urgent threat to public health. This class of man-made chemicals is extremely persistent in the environment and has long been linked with adverse health effects, including cancer.

These chemicals were birthed out of the Manhattan Project, and, now, nearly every American, almost every American, has PFAS coursing through their blood after generations of use of these drugs in our modern society.

The EPA has understood the risks posed by PFAS since 1998. The Defense Department has understood the risks

since the 1970s. The FDA has understood the risks since the 1960s. And industry has known about the dangers for decades.

But we still do not have a strong Federal policy to combat these forever chemicals, which are a crisis. We have yet to set a national drinking water standard for PFAS that our water utilities need to meet. We have yet to designate them as hazardous substances under Superfund to jump-start cleanup. We have yet to regulate industrial discharges of PFAS into our water and our air. And we have yet to establish simple labeling that PFAS is in a product to allow consumers to protect themselves.

This can all change if we pass the PFAS Action Act.

According to the Environmental Working Group, over 200 million Americans are drinking water now contaminated with PFAS, and we are finding more and more contamination regularly. Just today, the Environmental Working Group reported that PFAS have been detected in 2,800 communities, including 2,411 drinking water systems, and at 328 military installations nationwide.

Listen to me: The Pentagon is not going to prioritize cleanup of these military sites until these chemicals are listed as the hazardous substances that they are.

I want to be clear: I love my colleagues on the other side of the aisle, but there is nothing in this bill that would ban PFAS used in drugs, medical devices, or PPE. It will not ban masks.

I urge my colleagues to vote for this bill. It is time we protect Americans.

Mrs. RODGERS of Washington. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. CRENSHAW), another member of the Energy and Commerce Committee and a decorated Navy SEAL.

Mr. CRENSHAW. Madam Speaker, I rise today to highlight a dangerous implication of this bill and urge my colleagues to vote against it.

There is no disagreement that the Federal Government has a role to play in cleaning up the most heavily contaminated sites and establishing standards so that our water is safe to drink. We are united in this, both Republicans and Democrats.

While this bill shares the spirit of that, frankly, it got hopelessly lost along the way. Instead, it creates a mess of lawsuits.

We could have fixed this. Republicans have pointed out the pitfalls. Democrats say those pitfalls don't exist. Experts say, yes, they do. We could fix this.

□ 1315

In committee we discussed how this impacts a full suite of products, from medical devices to computer chips.

But there is one element that is particularly concerning to me. Under this legislation, a police department that purchases one of the most popular bul-

letproof vests to protect its officers against rising crime would now be subject to environmental lawsuits.

And here's why: A bulletproof vest becomes increasingly ineffective if it is exposed to moisture. As a result, it is protected by a waterproofing PFAS chemical to keep it dry and effective against bullets.

By imposing a de facto ban—and it is a de facto ban—on all PFAS chemicals, even those that pose no risk to human health or the environment, this legislation will significantly reduce the availability of lifesaving equipment.

Manufacturers, or others in the supply chain, will seek to avoid the PFAS liabilities created by this bill under CERCLA. So police departments, rather than worrying about protecting our communities, will now have to worry about whether or not they will be subject to an environmental lawsuit.

Instead, police departments themselves will be forced to make impossible decisions; continuing to use PFAS-containing, lifesaving equipment or risk huge legal liability when the equipment is disposed of.

This bill will bring entities like police departments, and anyone and everyone who is even remotely involved with PFAS material, under the wide dragnet of litigation that they don't have the resources to fight.

As Democrats seek to defund police across the country, police departments are already strapped for cash. So under this bill, we are forcing police departments to decide whether to defend themselves against lawsuits or purchase the material they need to keep their officers safe.

That is why I introduced a simple amendment that would limit the liability of police departments, first responders, and our military from being endlessly sued if they require these materials to protect themselves.

My amendment didn't limit the EPA's ability to actually regulate these chemicals or even determine which ones are safe or unsafe. Nor did it allow police departments to dispose of these products in an unsafe way and be shielded from consequences.

It just said, if a police department or first responder follows the letter of the law in dealing with these materials, they shouldn't be threatened with endless lawsuits. But, sadly, my colleagues didn't make my amendment in order.

So while my colleagues on the other side of the aisle are desperately trying to prove that they support our police officers after a year of demonizing them, the bill shows that really nothing has changed.

But there is one more chance to make this right. I will be offering my amendment as the motion to recommit for this legislation. Our police officers need to know that Congress has their back, especially now. This motion to recommit is a chance to do just that.

I urge my colleagues to vote against this bill and vote for my amendment to protect our police and our military and our first responders.

Madam Speaker, I ask unanimous consent to include the text of the amendment in the RECORD immediately prior to the vote on the motion to recommit.

The SPEAKER pro tempore (Ms. MCCOLLUM). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Madam Speaker, I rise today in support of H.R. 2467, the PFAS Action Act.

PFAS compounds do not naturally break down in the environment. Exposure to even small amounts of PFAS has been linked to diseases, birth defects, and developmental disorders.

These chemicals have been used in consumer products for decades and have, thus, been allowed to spread and accumulate throughout the environment, into our air, our water, and our soils.

In my own district, PFAS has been detected in multiple drinking water systems, which puts the health and safety of my constituents at risk. The same can be said for millions of people in communities across the country.

Until recently, the extent of the problem was underestimated in my home State. With expanded testing, we now know that California is one of the most impacted States in the country. A recent investigation by the State Water Resources Control Board showed PFAS contamination in almost 100 public water systems serving about 7.5 million Californians.

We need a national strategy to prevent exposure to these toxic substances. This bill sets a deadline for the EPA to take action on establishing standards, limits the introduction of new PFAS into commerce and the environment, and provides support for communities to install treatment technologies. This bill is needed both to clean up pollution now and to prevent it from getting worse in the future.

I want to thank Representative DINGELL and Representative UPTON for their leadership on H.R. 2467 and Chairman PALLONE, Chairman TONKO, for helping to move this important legislation. I also want to thank the committee staff for their work on this bill.

I urge all of my colleagues to vote "yes."

Mrs. RODGERS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. JOYCE), a physician and member of the Energy and Commerce Committee.

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to oppose H.R. 2467, the PFAS Action Act. This bill takes the wrong approach to dealing with these complex and complicated chemicals.

A de facto ban on all PFAS substances will do nothing but prevent secure disposal of existing chemicals and harm innovation of new, safer products.

As a physician, I have personally seen the benefits provided by these products. PFAS materials have a variety of uses in healthcare, ranging from heart valves, cardiac stents, to coatings on contact lenses.

Thanks to technology developed using PFAS materials, surgeries, such as those that are needed to repair a child's congenital heart defect, no longer require risky open-heart surgery and can simply be done through the arm.

Of course, we don't want dangerous chemicals in our water supply. But to outright ban an entire family of products is not the answer. We would not ban the entire periodic table because it includes arsenic and mercury. We need a science-grounded, risk-based approach that identifies the most harmful chemicals and treats them as such, rather than have Congress regulate the entire family as a single group.

Inclusion in the Comprehensive Environmental Response, Compensation, and Liability Act has the potential to slow down the cleanup process of PFAS, divert resources from current higher-priority public health issues and create another unfunded mandate for critical public utilities and local governments.

Instead of interfering, it is time to let government agencies do their work. And so I urge my colleagues, join me, vote "no" on H.R. 2467.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR), who chairs the House Select Committee on the Climate Crisis.

Ms. CASTOR of Florida. Madam Speaker, I rise today in strong support of H.R. 2467, the PFAS Action Act.

These PFAS chemicals, synthetic, manmade chemicals, have now, according to the science, evolved into a very significant public health threat, and it is time that Congress act to protect our neighbors back home, families, communities all across America with the passage of this bill.

This is a bipartisan bill, and I want to thank my colleagues, Congresswoman DINGELL and Congressman UPTON, for leading the charge here, because what they propose and what we will vote on today will protect our communities by instituting some new oversight and regulations of these forever chemicals in PFAS, help us clean up these chemicals from our drinking water, and protect the public health.

These PFAS chemicals are not regulated in any way right now. They are often used in firefighting foam, in nonstick surfaces, stain-resistant surfaces, and food packaging. The Agency for Toxic Substances and Disease Registry has determined that PFAS exposure is associated with low birth weight babies, an increased rate of cancer, lower fertility rates, and developmental issues in young children and infants.

A new study out of the Yale School of Public Health recently found that

exposure increases the risk of miscarriage by 80 to 120 percent in pregnant women. The CDC also issued a disclosure regarding a potential intersection between PFAS and COVID-19.

These chemicals now have been detected in communities all across the country. This bill will help us rely on the science, provide some safeguards, make sure we are gathering the scientific data we need to keep our communities safe back home.

I urge all of my colleagues to support H.R. 2467, the PFAS Action Act.

Mrs. RODGERS of Washington. Madam Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, most folks have never heard of PFAS. In Michigan we found out the hard way. Again.

Sadly, we know a little bit about water contamination. Think Flint, think lead. PFAS is bad, too. Really bad.

The EPA has been slow at the switch. Three years ago, I stepped off the plane coming back from D.C. for the August break, and I got a call. It was bad. It was from one of my State senators. One of my towns had been identified just a few hours earlier with having alarming PFAS parts per trillion numbers.

We had to act right away. I drove straight to the sheriff command center, prompted the immediate notification of thousands of residents. It was nearly midnight. Before they could make infant formula or coffee in the morning or even water their vegetable garden, they had to stop. They had to unplug their icemakers in their refrigerators. For months they had to line up at churches and schools to get cases of water for human consumption.

We had a bipartisan bill to require the EPA to set a minimum standard for PFOA and PFAS, which House Republicans agreed to, but we were later denied. It would have started the EPA's clock, which is why we need to act now.

We know this stuff is bad. We know this causes cancer. This bill is not perfect. It needs to see a number of constructive changes before it reaches the President's desk, but I want to thank DAN KILDEE and BRIAN FITZPATRICK, the two co-chairs of the bipartisan Congressional PFAS Task Force.

I want to thank Chairman PALLONE. I also want to thank my colleague DEBBIE DINGELL for authoring this bill.

Mr. PALLONE. Madam Speaker, may I inquire how much time remains on each side?

The SPEAKER pro tempore. The gentleman from New Jersey has 12½ minutes remaining. The gentlewoman from Washington has 7 minutes remaining.

Mr. PALLONE. I yield 1 minute to the gentlewoman from New York (Miss RICE), a member of our committee.

Miss RICE of New York. Madam Speaker, I can't believe I am about to say this, but I think what I am hearing

from the majority of my friends on the other side of the aisle, with the exception of my good friend Mr. UPTON, is that they just want a little more toxic chemicals in your water.

That simply cannot be true.

In my district on Long Island, we have long struggled with PFAS water contamination, and many communities have already incurred substantial remediation costs.

That is why I am pleased that the PFAS Action Act includes my provision to reimburse these local communities for their past expenses. Communities that could not wait for Federal action and redirected their resources to address this health threat should not be punished for doing the right thing.

This is a situation that the Federal Government has failed to address for decades. We have the opportunity to do it now.

I want to thank my good friends, Representatives DINGELL and UPTON, and the chairman of the committee for bringing this commonsense bill to the floor. I urge my colleagues to support it.

Mrs. RODGERS of Washington. Madam Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. WESTERMAN), a leader on the Natural Resources Committee.

Mr. WESTERMAN. Madam Speaker, I rise today in opposition to H.R. 2467, but not necessarily in defense or in criticism of PFAS.

Unfortunately, this legislation puts the cart before the horse. It would establish a PFAS standard before the EPA has the information to determine the best regulatory action.

While written and passed by the Energy and Commerce Committee, this bill contains provisions within the jurisdiction of the Transportation and Infrastructure Committee, of which I am also a member. However, T&I never considered this bill, which greatly concerns me. Our committee didn't hold one hearing or one markup on this bill or on the provisions contained in it. T&I Democrats completely ceded the committee's authority and expertise.

□ 1330

If we had held a hearing or a markup, Republicans would have pointed out that the Clean Water Act, which is squarely in the jurisdiction of the Committee on Transportation and Infrastructure, grants ample authority to the EPA and contains a long-established process for evaluating chemicals and regulating the discharge of those substances when they pose a significant risk to water quality.

We would have noted that the EPA already has efforts under way to evaluate PFAS substances pursuant to the Clean Water Act, including managing risks from PFAS.

However, this bill short-circuits the long-established regulatory review process under the Clean Water Act and it ignores the expertise of the Transportation and Infrastructure Committee.

H.R. 2467 imposes unrealistic deadlines on the EPA and asks the EPA to regulate before it has the necessary data to make a legally and scientifically sound regulatory plan.

Legislating in this careless fashion undermines the confidence in both the bill and the legislative process to develop it.

I urge a "no" vote on this bill, and I encourage us to continue looking at this issue.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Mrs. TRAHAN).

Mrs. TRAHAN. Madam Speaker, I rise in support of the PFAS Action Act of 2021 because this overdue legislation will save lives.

We know that PFAS chemicals, otherwise known as forever chemicals, have been linked to harmful health effects, including increased rates of cancer.

Yet, for far too long, they have been unchecked and unregulated.

Now, these same chemicals are being discovered at toxic levels in drinking water supplies in communities that I represent and across our country.

In fact, as many as 200 million Americans are currently drinking PFAS-contaminated water, often without even knowing it.

While my home State of Massachusetts has led the way in responding to PFAS contaminations in recent years, including the groundbreaking of a new 10,000-square foot treatment plant in my district in Littleton, most States are falling further and further behind, leaving their residents at risk.

Madam Speaker, we have the ability to change that today.

Passage of the PFAS Action Act will bolster State and local initiatives like those already under way in Massachusetts.

This legislation will provide the resources and policies necessary to clean up contaminated drinking water sites, support families who have been exposed to PFAS chemicals, and take critical steps to prevent future exposures.

I am grateful to Representatives DINGELL and UPTON, as well as our chairman of the Energy and Commerce Committee, Mr. PALLONE, for their bipartisan work on this issue.

I urge my colleagues to support this legislation, not because it will hurt corporations who want to continue the unregulated use of these dangerous chemicals, but because the health and well-being of the hardworking families they represent are at stake if they don't.

Mrs. RODGERS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. COMER), the lead Republican on the Oversight and Reform Committee.

Mr. COMER. Madam Speaker, I rise to oppose the PFAS Action Act.

As the ranking member of the House Oversight and Reform Committee, I have participated in many hours of hearings during the previous Congress

where we explored issues involving PFAS materials and heard from witnesses spanning many perspectives on this important issue.

As legislation and regulations are advanced to address PFAS issues, it is critical that we ensure that these efforts define the chemicals of concern consistently, adequately, and properly as supported by sound science. In the current bill, however, what is ultimately classified as a PFAS material is either left open to interpretation by EPA or broadly defined. Using either approach risks subjecting potentially thousands of chemicals to unnecessary regulation or restriction.

As we have heard previously in the House Oversight and Reform Committee, and as we have heard on the floor this week during debate on various amendments, a broad definition of PFAS could subject such key products as lithium-ion batteries, semiconductors, refrigerants, and medical devices, to name just a few, to regulation and restriction. All these products provide important benefits, and some, in the case of batteries and semiconductors, have been specifically highlighted by President Biden as part of his efforts to review and reshore critical supply chains.

It is, therefore, essential that we properly define PFAS, so that implementing regulations can focus on those materials, such as PFOA and PFOS, where there is scientific consensus for regulation, while also ensuring that unnecessary regulations are not placed on key uses of PFAS.

I urge my colleagues to carefully consider the definitions and criteria that are being put forward as the basis for PFAS regulation and to take steps to ensure that these classifications are carefully tailored and supported by sound science.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, I appreciate the opportunity to speak on this issue. And still I rise.

And I rise today because, as a Member of Congress, I believe we have a duty, a responsibility, and an obligation to act when industry is not acting, and the health of the American people is at risk.

It is time for Congress to do what it should have done, what EPA has not done, what we can do. I believe that there is no option but to vote "yes." No is not an option when it comes to the health and safety of the American people.

I will vote "yes." I will vote for the American people and their safety.

Mrs. RODGERS of Washington. Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. PAPPAS).

Mr. PAPPAS. Madam Speaker, I thank the chairman for yielding and for his leadership on this legislation.

I rise in support of the PFAS Action Act, a landmark bill that will protect millions of Americans from these toxic forever chemicals.

We know PFAS persists in the environment and the human body, and it is making our constituents sick. This legislation addresses legacy contamination and its associated health effects. Importantly, this bill will also go to the source, and halt active contamination and work to hold polluters accountable.

That is exactly what my provision is designed to do. This legislation includes my bill, the Clean Water Standards for PFAS Act, which addresses toxic PFAS discharges and invests in local infrastructure.

No polluter should be able to dump PFAS unchecked into our waterways and into our wastewater systems. PFAS should be handled like other toxic substances that have been regulated through the Clean Water Act.

We must also support wastewater systems to make necessary infrastructure upgrades that will stop PFAS from poisoning our environment and our water. This bill would authorize \$200 million a year for these grants.

Madam Speaker, this is a bipartisan issue, and it is an issue that literally affects every State and every district across this country.

Just yesterday I joined a round table of concerned leaders in my district whose message was crystal clear: Pass this bill and protect the health and well-being of our communities and our families.

I heard from the town manager in Bedford, New Hampshire, who spoke to me about residents receiving bottled water for the past 3 years because their wells are contaminated. Families and businesses in several neighboring communities face the same situation. How many more years are we going to let these people wait for clean water?

A constituent of mine named Lisa, from the Seacoast region of New Hampshire, has two kids who drank PFAS-laced water for a number of years when they were growing up. They faced a number of unimaginable health impacts as a result of that.

How many more households like Lisa's will there be in this particular situation if we allow more PFAS out into the environment?

Far too many Americans are drinking from contaminated systems and wells. Far too many Americans are at the mercy of industrial polluters and have brought this problem to our doorstep.

I urge passage of this bill.

Mrs. RODGERS of Washington. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman has 3 minutes remaining.

Mrs. RODGERS of Washington. Madam Speaker, I yield myself the balance of my time.

Unfortunately, this bill is not just limited to legacy contamination. It

creates a hostile environment for the manufacture and use of PFAS, present and future.

The ban in this bill is a de facto ban on 9,252 PFAS, as well as numerous lifesaving and critical products containing PFAS.

A de facto ban is a system where many suppliers of a product are allowed, but the environment is so completely hostile to its existence, that the product might as well not be made.

The aggressive, unscientific regulatory approach in this bill, coupled with its extremely limited exemptions, will create stigma and uncertainty, and that will result in increased litigation in trial courts for products containing PFAS.

If you start stacking up the negative market pressures created through:

One, increased compliance costs;

Two, limited disposal options;

Three, sidelined investments;

Four, unquantifiable and permanent liability under CERCLA;

Five, tort lawsuits aided by legislative stigma;

Six, marketplace challenges;

Seven, the inability to make or finance a safer replacement chemical or product, it is not hard to see how H.R. 2467 creates a de facto ban on 9,252 chemicals and threatens the viability of these industries and the industries that need them and the products containing them that benefit our society.

Unfortunately, this is not a new tactic. It has been done before with the war on coal under the Obama administration, and now we are seeing it with the rest of fossil fuels and any product that some decide they don't like.

The word "ban" may not appear, but by creating massive costs through regulatory barriers and mandates, uncertainty, and taxes, a de facto ban is created by the cost of doing business. The cost of doing business becomes too high and we, as Americans, become dependent upon other countries, dangerously dependent upon other countries. It jeopardizes manufacturing in our country, and then we wonder why people are not manufacturing in the United States.

It has been done on coal, it has been done on fossil fuels, and today it is being done on American manufacturers.

We can do better. I urge my colleagues to vote "no" on this bill. Let's go back, let's do better. We all want to protect clean drinking water. That is a shared goal. Let's stay focused on that goal. Vote "no" on this bill.

Madam Speaker, I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

This comprehensive bill reflects the hard work of many of my colleagues. I want to thank some of the leaders in the House who have made this bill possible.

Representative DINGELL has led this bill for several years now, never losing

sight of the communities she represents who have been impacted by PFAS in their environment and in their water.

The bill builds on legislation from Representative SEAN PATRICK MALONEY to require health effects testing on all PFAS chemicals. This critical testing forms the basis of required decisions throughout this package.

The legislation also sets a moratorium on new PFAS until EPA has the science it needs to properly evaluate them and will ensure that all new PFAS are properly reviewed before going forward. This provision was authored and led through the committee process by Representative KUSTER and also reflects the hard work of Representative DEAN.

Another essential piece of this bill builds on bipartisan legislation from Representatives BOYLE and FITZPATRICK to set a national drinking water standard that protects public health, including the health of pregnant women, infants, and children.

The legislation also takes important steps to address air emissions of PFAS. It incorporates legislation from Representative STEVENS to address PFAS emissions under the Clean Air Act and legislation from Representatives KHANNA and LEVIN to restrict unsafe incineration of PFAS wastes, including firefighting foam.

Next, the bill includes a provision by Representative SOTO to create a voluntarily PFAS-free label for cookware, so consumers can take steps to protect themselves from exposure. I also thank Representative SLOTKIN for her work to expand that label.

The bill includes a provision by Representative FLETCHER requiring EPA to issue guidance for first responders to both minimize the use of PFAS in firefighting foam and turnout gear and also minimize their risks. That provision was improved last year with input from Representative GOLDEN. Risks to first responders are also a very serious concern, and I thank Representative FLETCHER for her work on that important issue.

Lastly, the bill incorporates two provisions related to the Clean Water Act from Representatives DELGADO and PAPPAS. Those important provisions will protect our natural resources and stem the flow of contamination into our waterways.

Madam Speaker, I include the following documents in the RECORD: A letter from the Sierra Club; a letter from the United States Conference of Catholic Bishops; a letter from the Coalition of NGO's; a letter from Defense Communities; a letter from the League of Conservation Voters; and an article from Environmental Health News titled: "The real story behind PFAS and Congress' effort to clean up contamination." That is an op-ed.

SIERRA CLUB,

July 15, 2021.

DEAR MEMBER OF CONGRESS, On behalf of our over four million members and supporters, Sierra Club writes to express our

support of H.R. 2467 the PFAS Action Act of 2021. We ask that you vote in support of this critical package and strengthening amendments.

Communities around the United States are facing grave threats to their drinking water and health due to Per- and Polyfluoroalkyl Substances (PFAS). This class of chemicals is widely used to make carpets, fabrics for furniture, Teflon coatings for cookware, paper packaging for food and other everyday materials. They're even used in firefighting foam (aqueous film forming foam; AFFF) for both civilian and military purposes.

PFAS chemicals can't be broken down in an environment and effectively poison water sources. Right now, scientists estimate that more than 100 million Americans are drinking PFAS-contaminated water. This contamination is strongly linked to cancer, immune system suppression, thyroid problems, reproductive system damage and harming of children's growth and development.

The PFAS Action Act takes critical steps in ensuring our communities are protected from dangerous chemicals. There are 9 important amendments that extend important protections against PFAS chemicals. However, two stand out as critical in dealing with PFAS contamination. First, Rep. Andy Levin's Amendment #8 to prohibit incineration of PFAS-based firefighting foams. Second, Rep. Sarbanes and Fitzpatrick's Amendment #15 which would require chemical companies to provide the analytical standards that allow chemists to measure new PFAS chemicals in people and the environment.

Everyone, no matter zip code, gender or race, deserves clean drinking water and a healthy environment. We must safeguard frontline communities from the damage of PFAS. We need to stop emitting PFAS into the environment and protect those populations most susceptible to chemical contamination—like women, children and military service members. The PFAS Action Act is an important step in that process.

Sierra Club urges you to support the PFAS Action Act.

Sincerely,

MICHAEL BRUNE,
Executive Director, Sierra Club.

UNITED STATES CONFERENCE
OF CATHOLIC BISHOPS,
Washington, DC, July 19, 2021.

HOUSE OF REPRESENTATIVES.

DEAR REPRESENTATIVE: On behalf of the United States Conference of Catholic Bishops (USCCB) Committee on Domestic Justice and Human Development and Committee on Pro-Life Activities, we write in support of the PFAS Action Act of 2021 (H.R. 2467). This bipartisan legislation aims to reduce human and environmental exposure to toxic chemicals.

Per-fluoroalkyl and poly-fluoroalkyl substances (PFAS) are a diverse class of compounds containing thousands of individual chemicals. Useful for non-stick and water-repellent properties, certain PFAS have been integrated into numerous household products. PFAS have also been employed in firefighting foam across the United States.

PFAS are resistant to degradation and bioaccumulate in the environment and the human body. Prolonged exposure to these chemicals can cause cancer, thyroid problems, birth defects, and reproductive, developmental, and immune system disruptions. Of particular concern is a growing body of research that indicates pregnant and nursing mothers, and their children, are especially affected. Such exposure occurs through polluted drinking water, food, soil, dust and the use of consumer products manufactured using PFAS. The widespread utilization of these "forever chemicals" has resulted in significant environmental contamination.

The USCCB has consistently promoted integral human development, where technology and human ingenuity are directed towards the common good. Human and environmental health concerns are interconnected, and we must not forget that "human life is itself a gift which must be defended from various forms of debasement" (Laudato Si', no. 5). The PFAS Action Act of 2021 both upholds the dignity of human life and preserves ecological health. It regulates PFAS, enacts drinking water standards, and designates contaminated sites as eligible for Superfund cleanup.

Access to safe, potable water is an indispensable human right and government leaders have a moral responsibility to safeguard society from poisonous chemical contaminations. Addressing U.S. Congress in 2015, Pope Francis declared that "you are called to defend and preserve the dignity of your fellow citizens in the tireless and demanding pursuit of the common good." We pray for your efforts to protect the life and health of mothers, the unborn, all of society, and God's creation.

Sincerely yours,

MOST REVEREND PAUL S.
COAKLEY,
*Archbishop of Oklahoma City, Chair,
Committee on Domestic Justice, and
Human Development,
United States Conference of
Catholic Bishops.*

MOST REVEREND JOSEPH F.
NAUMANN,
*Archbishop of Kansas City, Chair,
Committee on Pro-Life Activities,
United States Conference of
Catholic Bishops.*

JULY 19, 2020.

Hon. NANCY PELOSI,
*Speaker of the House,
Washington, DC.*
Hon. KEVIN MCCARTHY,
*Minority Leader,
Washington, DC.*
Hon. STENY HOYER,
*Majority Leader,
Washington, DC.*
Hon. STEVE SCALISE,
*Minority Whip,
Washington, DC.*

DEAR SPEAKER PELOSI, MAJORITY LEADER HOYER, MINORITY LEADER MCCARTHY, MINORITY WHIP SCALISE AND MEMBERS OF THE HOUSE OF REPRESENTATIVES: On behalf of our millions of members and supporters, the undersigned non-governmental organizations write today to urge you to vote YES on H.R. 2467, the PFAS Action Act.

Toxic PFAS chemicals have now been confirmed in the water of nearly 2800 communities, including over 300 military installations, and studies have linked PFAS to serious health problems, including cancer. H.R. 2467 will build on the progress made in the National Defense Authorization Act for FY 2020 by restricting industrial releases of PFAS into our air and water, setting a drinking water standard for PFOA and PFOS in tap water, and by kick-starting the process of cleaning up legacy PFAS contamination by designating PFOA and PFOS as hazardous substances under the federal Superfund law.

The science is clear: PFAS have been linked to serious health problems through decades of animal, worker, and human studies. Unfortunately, EPA has failed to take steps to restrict air and water releases, reduce PFAS in our tap water, or clean up the

nation's most contaminated sites. H.R. 2467 will set clear deadlines requiring EPA to do just that. Designating PFOA and PFOS as hazardous substances, as proposed by H.R. 2467, will not ban PFAS—but will instead ensure that the most contaminated sites are finally cleaned up.

We urge you to vote YES on H.R. 2467, the PFAS Action Act.

Sincerely,

Alaska Community Action on Toxics, Breast Cancer Prevention Partners, Center for Environmental Health, Clean Cape Fear, Clean Water Action, Commonwealth Biomonitoring Resource Center, Community Action Works, Consumer Reports, Defend Our Health, Ecology Center, Environment America, Environment North Carolina, Environmental Working Group, Green Science Policy Institute, Green CAPE.

Healthy Babies Bright Futures, League of Conservation Voters, Merrimack Citizens for Clean Water, Michigan League of Conservation Voters, Moms for a Nontoxic New York, Natural Resources Defense Council, NC Child, NC Conservation Network, Safer Chemicals Healthy Families, Sierra Club, Southern Environmental Law Center, Toxic-Free Future, U.S. PIRG, Union of Concerned Scientists, Vermont Conservation Voters, Zero Waste Washington.

PROTECT OUR DEFENSE COMMUNITIES FROM
PFAS POLLUTION—DESIGNATE PFOA AND
PFOS AS HAZARDOUS SUBSTANCES

JULY 20, 2021.

DEAR REPRESENTATIVE: Our communities host many of the hundreds of military installations that are now contaminated with the toxic "forever chemicals" known as PFAS. While Congress has acted to end the use of firefighting foam made with PFAS, Congress has not yet taken steps to ensure that legacy PFAS pollution is cleaned up.

To protect our defense communities from toxic pollution, we urge you to designate PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Liability, and Compensation Act. Designating PFOA and PFOS as hazardous substances under CERCLA will ensure that the Defense Department treats PFAS pollution at military installations as a priority.

Some members of Congress have argued that designating PFOA and PFOS as "hazardous substances" under CERCLA will ban the use of these two chemicals from medical devices, semiconductors, lithium batteries and even surgical masks. This is not correct. First, PFOA and PFOS are no longer used in commerce. Second, designation of a chemical as a hazardous substance does not result in a ban of the chemical. Nearly 80 percent of the chemicals designated as hazardous substances are still used in commerce.

CERCLA regulates the cleanup of chemicals, not the use of chemicals. In particular, designating PFOA and PFOS as hazardous substances under CERCLA will ensure that they are a priority for clean up at military installations.

PFAS has been confirmed in the groundwater at more than 300 military installations where firefighting foams made with PFAS were used, including installations in our communities. We urge you to protect our communities from these toxic forever chemicals by voting to designate PFOA and PFOS as hazardous substances.

Sincerely,

ANDREA AMICO,
*Testing for Pease,
Portsmouth, New
Hampshire.*

ANTHONY SPANIOLA,
*Need Our Water
(NOW), Oscoda,
Michigan.*

ARNIE LERICHE,
Wurtsmith Restoration
Advisory Board,
Oscoda, Michigan.

ART SCHAAP,
Tucumcari Cheese,
Clovis, New Mexico.

CATHY WUSTERBARTH,
Need Our Water
(NOW), Oscoda,
Michigan.

CHERYL CAILL,
SC Idle No More,
SCIAC, Myrtle
Beach, South Caro-
lina.

DEBORAH BROWN,
Newburgh Clean
Water Project, New-
burgh, New York.

EDWARD LAWSON, JR.,
Co-Chair Stewart Air
National Guard,
Restoration Advisory
Board, Newburgh,
New York.

HOPE GROSSE,
Buxmont Coalition for
Safe Water, War-
minster, Pennsyl-
vania.

JENNIFER VAUGHAN,
Brock, Texas.

JEROME M ENSMINGER,
CDC Camp Lejeune
Community Assist-
ance, Panel, Eliza-
bethtown, North
Carolina.

JIM HOLMES,
Satellite Beach, Flor-
ida.

JOANNE STANTON,
Buxmont Coalition for
Safe Water, War-
minster, Pennsyl-
vania.

KEVIN FERRARA,
AFS021 LLC,
Woolrich, Pennsyl-
vania.

KRISTEN MELLO,
Westfield Residents
Advocating For,
Themselves
(WRAFT), Westfield,
Massachusetts.

LAURA OLAH,
Citizens for Safe Water
Around Badger,
Merrimac, Wis-
consin.

LISA CELLINI,
Maple Glen, Pennsyl-
vania.

MARK A. FAVORS, RN,
Fountain Valley Clean
Water Coalition,
Colorado Springs,
Colorado.

MARK D SANCHEZ-POTTER,
Food and Water
Watch, Newburgh,
New York.

PAT ELDER,
Military Poisons, St.
Mary's City, Mary-
land.

SCOTT CRUMBAUGH,
Pure Aqua Tech,
Alma, Michigan.

STAN MCCOY,
Cedar Creek, New Mex-
ico.

STEL BAILEY,
Fight 4 Zero, Brevard
County, Florida.

MITCH FREITAS,

FMT, Clovis, New
Mexico.

LAURENE ALLEN,
Merrimack Citizens for
Clean Water,
Merrimack, New
Hampshire.

SHAINA KASPER,
Community Action
Works Campaigns,
Montpelier,
Vermont.

MADISON MCCOY,
Albuquerque, New
Mexico.

SUZANNE SCHAAP,
Hereford, Texas.

PAMELA MILLER,
Alaska Community Ac-
tion on Toxics, An-
chorage, Alaska.

LCV,
Washington, DC, July 20, 2021.

Re: Support H.R. 2467, a critical step in pro-
tecting our health from toxic chemicals.

HOUSE OF REPRESENTATIVES.

DEAR REPRESENTATIVE, The League of Con-
servation Voters (LCV) works to turn envi-
ronmental values into national priorities.
Each year, LCV publishes the National Envi-
ronmental Scorecard, which details the vot-
ing records of members of Congress on envi-
ronmental legislation. The Scorecard is the
nationally accepted yardstick used to rate
members of Congress on environmental, pub-
lic health, and energy issues and is distrib-
uted to LCV members, concerned voters, and
the media.

LCV urges you to vote YES on H.R. 2467,
the "PFAS Action Act of 2021," which would
take important steps in addressing the grow-
ing national PFAS (per- and polyfluoroalkyl
substances) crisis threatening the health of
millions of people across the country.

PFAS are a class of chemicals used in
many everyday consumer products and in-
dustrial applications to make water and
stain repellant coatings, but communities
continue to discover that their drinking
water, food, soil, and surroundings have been
contaminated with PFAS. Also called "for-
ever chemicals" in recognition of their per-
sistence in the environment and our bodies,
PFAS have been linked to numerous health
problems like certain cancers, thyroid dis-
ease, neurological development issues, weak-
ened immune systems, and more. The federal
government has been slow to take the ac-
tions necessary to protect our communities,
especially communities of color who bear a
disproportionate impact from this lack of re-
sponse.

H.R. 2467 will take critical steps forward
that are needed to reduce PFAS use, clean
them up, and hold polluters accountable for
the damage to our health and the environ-
ment. The bill would require the Environ-
mental Protection Agency (EPA) to set a
drinking water standard for PFOA and PFOS
within two years, designate PFOA and PFOS
as hazardous air pollutants, limit industrial
discharges of PFAS into waterways, and pro-
vide funding for water treatment. Addition-
ally, it would provide consumers with knowl-
edge of products containing PFAS by adding
PFAS to the EPA's Safer Choice Program.
H.R. 2467 also would designate PFOA and
PFOS as hazardous substances and make a
determination on other PFAS within five
years—key to holding polluters accountable
and ensuring that our nation's most con-
taminated sites are finally cleaned up.

Again, we urge you to SUPPORT H.R. 2467,
which will take critical steps in tackling the
PFAS crisis, as well as all pro-environment
amendments. We will strongly consider in-

cluding votes on this legislation in the 2021
Scorecard. If you need more information,
please contact a member of our government
relations team.

Sincerely,

GENE KARPINSKI,
President.

ENVIRONMENTAL HEALTH SCIENCES—THE
REAL STORY BEHIND PFAS AND CONGRESS'
EFFORT TO CLEAN UP CONTAMINATION: OP-
ED BY JIM JONES

Former EPA official Jim Jones sets the
record straight on 'the forever chemical' as
lawmakers take up the PFAS Action Act

Jim Jones
When the U.S. House of Representatives
takes up the bipartisan PFAS Action Act
this week, some members of Congress may
contend that the bill would ban some uses of
PFAS.

In particular, some members of Congress
may argue that designating PFOA and PFOS
as "hazardous substances" under the Com-
prehensive Environmental Response, Liabil-
ity, and Compensation Act, or CERCLA, will
ban the use of these two chemicals from
medical devices, semiconductors, lithium
batteries and even surgical masks.

This is not correct.

PFAS & PFOS NO LONGER USED IN COMMERCE

First, PFOA and PFOS are no longer used
in commerce.

As an Assistant Administrator for the
EPA, I was involved in the implementation
of a 2006 stewardship agreement with the
chemical industry to phase out the use of
these two members of this class of
fluorinated chemicals. Simply put, as a re-
sult of this agreement, PFOA and PFOS are
no longer used in these products or take
make these products.

HAZARDOUS SUBSTANCE

Second, designation of a chemical as a haz-
ardous substance does not result in a ban of
the chemical.

A quick review of EPA records reveals that
nearly 80 percent of the chemicals desig-
nated as hazardous substances by Congress
since the law was passed in 1980 are still used
in commerce. That's because CERCLA does
not force manufacturers to stop using chemi-
cals. Sulfuric acid, one of the most widely
used chemicals in commerce, has been desig-
nated as a hazardous substance for more
than 40 years. Many other chemicals desig-
nated as hazardous substances are used in
many products, including medical devices.

CERCLA regulates the cleanup of chemi-
cals, not the use of chemicals. A different
statute, the Toxic Substances Control Act,
or TSCA, governs the use of chemicals.

CRITICAL STEP TO CLEAN UP PFAS & PFOA

Simply put, no one—not Congress, not the
states, not the EPA—is trying to ban PFOA
and PFOS by statute.

So, if Congress is not trying to ban PFOA
and PFOS, why then does the bipartisan
PFAS Action Act designate them as haz-
ardous substances?

Designating PFOA and PFOS as hazardous
substances is a critical step in efforts to ac-
celerate the clean-up process at contami-
nated sites, especially Department of De-
fense installations.

FIREFIGHTING FOAM CONTAMINATION

PFAS has been confirmed in the ground-
water at more than 300 military installations
where firefighting foams made with PFAS
were used. Congress directed the DOD to end
the use of these PFAS-based foams in 2020,
but efforts to clean up legacy contamination
at these bases has not yet been undertaken.

Designating PFOA and PFOS as hazardous
substances will ensure that the DOD treats
these contaminants as a priority for cleanup.

That's not only reason Congress should enact the PFAS Action Act. While EPA is now treating PFAS as a priority, that has not always been the case. To guard against delay, the PFAS Action Act sets deadlines for EPA to finalize a national drinking water standard for PFOA and PFOS and to place limits on discharges of PFAS into the air and water. The bill also sets a deadline for EPA to decide whether or not to list other PFAS as hazardous substances.

PFAS: TIME TO TAKE ACTION

A lot is at stake. PFAS has been detected in thousands of drinking water systems and has been linked to serious health problems. No wonder chemical companies and public health groups agree that it is time to take action to address PFAS pollution. Hopefully, members of Congress will agree as well.

PFAS: WHO TO CALL

Editors note: The PFAS Action Act of 2021, by Rep. Debbie Dingell, D-Mich., is set to be debated by the U.S. House of Representatives sometime this week.

To set the record straight and voice concern that the latest science is not being considered as lawmakers debate effort to clean up our environment, contact Republican Reps. Cathy McMorris Rogers and Buddy Carter.

Jim Jones was the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention for the Environmental Protection Agency from 2011 to 2017.

Views expressed are his own and not necessarily those of Environmental Health Sciences, publisher of EHN.org and DailyClimate.org.

□ 1345

Madam Speaker, let me just say in closing, the PFAS Action Act is a strong and balanced bipartisan bill that will make a real difference for countless communities across the country.

You have heard today that this bill may not be that necessary because the administration is already doing things, but I just point out that the administration has sent a Statement of Administration Policy saying why the President would sign this bill. So obviously, he feels that it is necessary.

And this is a quote from that Statement of Administration Policy that says, "The administration led by the EPA is working to collaborate on cross-cutting strategies, advanced new design, develop coordinated policies, regulations and communications; and continue engagement with affected States, Tribes, communities stakeholders, and H.R. 2467 would further enhance those efforts."

Madam Speaker, like the administration, I am proud to support this bill. I urge my colleagues to vote "yes," and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Each further amendment printed in part B of House Report 117-95 not earlier considered as part of amendments en bloc pursuant to section 3 of House Resolution 535, shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided

and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before the question is put thereon, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time after debate for the chair of the Committee on Energy and Commerce or his designee to offer amendments en bloc consisting of further amendments printed in part B of House Report 117-95, not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and the ranking minority member of the Committee on Energy and Commerce or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENTS EN BLOC OFFERED BY MR. TONKO OF NEW YORK

Mr. TONKO. Madam Speaker, pursuant to House Resolution 535, I rise to offer amendments en bloc.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, printed in part B of House Report 117-95, offered by Mr. TONKO of New York:

AMENDMENT NO. 1 OFFERED BY MR. KILDEE OF MICHIGAN

Page 30, strike lines 13 through 17 and insert the following:

(5) Information on treatment options, including information relating to water treatment systems certified to the relevant NSF/ANSI American National Standard for drinking water treatment units by a third-party certification body accredited by the ANSI National Accreditation Board.

AMENDMENT NO. 2 OFFERED BY MS. LEGER FERNANDEZ OF NEW MEXICO

Page 6, line 4, insert "and water used for agricultural purposes" after "water".

Page 31, line 20, insert "and water used for agricultural purposes" after "water".

AMENDMENT NO. 3 OFFERED BY MR. LEVIN OF MICHIGAN

Add at the end the following:

SEC. 18. SCHOOL DRINKING WATER TESTING AND FILTRATION GRANT PROGRAM.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j-21 et seq.) is amended by adding at the end the following:

"SEC. 1466. SCHOOL PFAS TESTING AND FILTRATION GRANT PROGRAM.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish a program to make grants to eligible entities for—

"(1) testing for perfluoroalkyl and polyfluoroalkyl substances in drinking water at schools that is conducted by an entity approved by the Administrator or the applicable State to conduct the testing;

"(2) installation, maintenance, and repair of water filtration systems effective for reducing perfluoroalkyl and polyfluoroalkyl substances in drinking water at schools that contains a level of any perfluoroalkyl or polyfluoroalkyl substance that exceeds—

"(A) an applicable maximum contaminant level established by the Administrator under section 1412; or

"(B) an applicable standard established by the applicable State that is more stringent than the level described in subparagraph (A); or

"(3) safe disposal of spent water filtration equipment used to reduce perfluoroalkyl and polyfluoroalkyl substances in drinking water at schools.

"(b) GUIDANCE; PUBLIC AVAILABILITY.—As a condition of receiving a grant under this section, an eligible entity shall—

"(1) expend grant funds in accordance with any applicable State regulation or guidance regarding the reduction of perfluoroalkyl and polyfluoroalkyl substances in drinking water at schools that is not less stringent than any applicable guidance issued by the Administrator;

"(2) make publicly available, including, to the maximum extent practicable, on the website of the eligible entity, a copy of the results of any testing carried out with grant funds received under this section; and

"(3) notify parent, teacher, and employee organizations of the availability of the results described in paragraph (2).

"(c) LIMITATION.—An eligible entity receiving a grant under this section may use not more than 5 percent of grant funds to pay the administrative costs of carrying out the activities for which the grant was made.

"(d) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

"(1) a local educational agency; or

"(2) a State agency that administers a statewide program to test for, remediate, or filter perfluoroalkyl and polyfluoroalkyl substances in drinking water.

"(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2022 through 2026, to remain available until expended."

AMENDMENT NO. 4 OFFERED BY MS. OCASIO-CORTEZ OF NEW YORK

Page 31, after line 2, insert the following:

(c) ACCESS.—The Administrator shall ensure information on the website established under subsection (a) is presented in a manner that provides meaningful access to such information for individuals with limited English proficiency.

AMENDMENT NO. 5 OFFERED BY MS. ROSS OF NORTH CAROLINA

Page 20, beginning on line 2, strike "in use by the community water system at the time of application is" and insert "that was in use by the community water system on the date of enactment of this section was".

AMENDMENT NO. 6 OFFERED BY MR. SAN NICOLAS OF GUAM

Page 32, beginning on line 13, strike "Of the amounts made available under this subsection, the Administrator may use funds" and insert "To the extent that sufficient applications are received, the Administrator shall use not less than 2 percent of the amounts made available under this subsection".

AMENDMENT NO. 7 OFFERED BY MR. SARBANES OF MARYLAND

Add at the end the following:

SEC. 18. ANALYTICAL REFERENCE STANDARDS FOR PFAS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall require each covered entity to submit to the Administrator an analytical reference standard for each perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom manufactured by the covered entity after the date that is 10 years prior to the date of enactment of this Act.

(b) USES.—The Administrator may—

(1) use an analytical reference standard submitted under this section only for—

(A) the development of information, protocols, and methodologies, which may be carried out by an entity determined appropriate by the Administrator; and

(B) activities relating to the implementation or enforcement of Federal requirements; and

(2) provide an analytical reference standard submitted under this section to a State, to be used only for—

(A) the development of information, protocols, and methodologies, which may be carried out by an entity determined appropriate by the State; and

(B) activities relating to the implementation or enforcement of State requirements.

(c) PROHIBITION.—No person receiving an analytical reference standard submitted under this section may use or transfer the analytical reference standard for a commercial purpose.

(d) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term “covered entity” means a manufacturer of a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(2) MANUFACTURE; STATE.—The terms “manufacture” and “State” have the meanings given those terms in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

AMENDMENT NO. 8 OFFERED BY MS. SLOTKIN OF MICHIGAN

Page 21, strike lines 9 through 13 and insert “than \$500,000,000 for each of fiscal years 2022 through 2026.”.

AMENDMENT NO. 9 OFFERED BY MS. SLOTKIN OF MICHIGAN

Page 30, after line 25, insert the following:

(8) Information about the health risks associated with consuming water contaminated with PFAS as well as recommendations for individuals who believe they may have consumed such PFAS-contaminated water.

AMENDMENT NO. 10 OFFERED BY MS. SLOTKIN OF MICHIGAN

Page 25, beginning on line 21, strike “pot, pan, cooking utensil, carpet, or rug, clothing, or upholstered furniture, or a stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act” and insert “covered product”.

Page 26, beginning on line 2, strike “pot, pan, cooking utensil, carpet, rug, clothing, or upholstered furniture, or stain resistant, water resistant, or grease resistant coating” and insert “covered product”.

Page 26, beginning on line 7, strike “pot, pan, cooking utensil, carpet, rug, clothing, or upholstered furniture, or stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act” and insert “covered product”.

Page 26, beginning on line 14, amend subsection (b) to read as follows:

(b) DEFINITIONS.—In this section:

(1) COVERED PRODUCT.—The term “covered product” means—

(A) a pot,

(B) a pan;

(C) a cooking utensil;

(D) carpet;

(E) a rug;

(F) clothing;

(G) upholstered furniture;

(H) a stain resistant, water resistant, or grease resistant coating not subject to requirements under section 409 of the Federal Food, Drug, and Cosmetic Act;

(I) food packaging material;

(J) an umbrella;

(K) luggage; or

(L) a cleaning product.

(2) PFAS.—The term “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

The SPEAKER pro tempore. Pursuant to House Resolution 535, the gentleman from New York (Mr. TONKO) and the gentlewoman from Washington (Mrs. RODGERS) each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this en bloc of 10 amendments. As was done in the 116th Congress, the PFAS Action Act was subject to a subcommittee markup, a full committee markup, and debate and amendment on the House floor.

During these processes in the 116th and 117th Congresses, there has been an effort to continue to strengthen the proposal at each and every stage. The ten amendments included in this en bloc, which includes several bipartisan amendments, would build upon this past work and make further improvements to the underlying bill.

Several of the amendments help protect Americans from PFAS in their drinking water, especially those relying upon private wells, which would not be subject to the national drinking water standard required to be developed by this bill.

We know communicating the risks of PFAS is challenging: What are safe levels? What is a reliable testing technique? And what do you do if your water is contaminated?

These amendments would help ensure people have better, clearer, and more accessible information on this and other issues. This en bloc also includes amendments that would increase grant funding to community water systems and ensure all communities dealing with PFAS contamination can access these funds, including insular territories. And it would establish a new grant program to support PFAS testing and filtration at schools.

We know the cost of PFAS remediation can be significant. Ensuring these costs do not fall squarely upon the households that rely upon these water systems, who are not responsible for the contaminations, should be a high priority of this effort. More Federal funding can help in this regard.

Finally, the en bloc would expand the PFAS-free labeling program to cover food package material, luggage, and cleaning products. This will allow Americans to make certain that they have more informed choices on the products they choose to purchase. Overall, these are good improvements to the bill, and I do not believe they should be controversial.

Madam Speaker, I encourage Members to support the en bloc, and I reserve the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I claim the time in opposition, and I reserve the balance of my time.

Mr. TONKO. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES), who has been outspoken on this issue.

Mr. SARBANES. Madam Speaker, I rise today in support of my amendment to H.R. 2467, the PFAS Action Act.

I thank my colleague, Representative FITZPATRICK, for joining in this bipartisan proposal. PFAS chemicals, as we have been hearing today, are harmful, manmade forever chemicals that are persistent, bio-accumulative, and toxic.

These chemicals, which threaten more than 100 million Americans, pose serious risks to human health, including cancer, immune disorders, and reproductive system maladies.

The PFAS Action Act will take critical steps to protect all Americans from PFAS chemicals by helping clean up contaminated sites under the Superfund program, limiting the exposure of PFAS chemicals, and establishing a health-protective drinking water standard that limits the amount of PFAS in our water systems.

My amendment would strengthen the PFAS Action Act by expanding EPA's ability to use the best-available science to address PFAS risks by requiring manufacturers to provide reference standards for all PFAS chemicals. This effort will help reduce PFAS pollution and keep our families safe.

My amendment will provide the EPA with critical data about PFAS chemicals and help the agency better identify these toxic substances in our communities.

Madam Speaker, I urge my colleagues to support the amendment and the underlying bill and vote in favor of this important legislation.

Mrs. RODGERS of Washington. Madam Speaker, I continue to reserve the balance of my time.

Mr. TONKO. Madam Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. TLAIB), who, along with Mrs. DINGELL, has really brought great focus to this issue in committee.

Ms. TLAIB. Madam Speaker, I still remember how I felt when I learned that one of the worst PFAS sites in the entire country was discovered right in my backyard in my district at the Marathon petroleum refinery. Shock, horror, and a sinking feeling in the pit of my stomach just happened instantly.

I called Congresswoman DINGELL, because that site borders our districts. And it is a community that continues to struggle with air quality and clean water. That ZIP Code, where Marathon Oil Refinery is now, that is the most polluted ZIP Code in all of the State of Michigan. So we wonder why the forever chemical was found right there and how it is impacting people's public health.

We are finding in Michigan, as folks know, where we lead in the country in

PFAS testing, if you start looking for these toxic forever chemicals, you are going to find them.

Madam Speaker, we have an urgent crisis in front of us that requires swift and decisive action. So it is great news that the House is now considering passing PFAS Action Act of 2021 today.

The bill will require EPA to take urgent PFAS action by requiring site cleanups, identifying health risks, and developing a drinking water standard to keep our community safe. We cannot wait another day to start taking strong action to protect our residents from forever chemicals.

As a Member of Congress, I was shocked—I think many of my residents were shocked—that we weren't protected from PFAS in the Clean Air Act. Today, we, at least, get closer to changing that. Again, our residents deserve to live without being poisoned.

Mrs. RODGERS of Washington. Madam Speaker, I continue to reserve the balance of my time.

Mr. TONKO. Madam Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ), who has great concern for this issue.

Ms. LEGER FERNANDEZ. Madam Speaker, PFAS chemicals are life-threatening. They are forever chemicals and need to be cleaned up. We will act today to regulate these chemicals and protect public health.

Highland Dairy is a family-owned operation that has served the eastern part of my district for four generations. In 2018, Highland learned that PFAS from the nearby Air Force base leaked into the shared aquifer that watered the grass which fed the cows. The PFAS contamination poisoned the cows and the dairy could not sell the milk or the cows. Highland is on the brink of disaster merely by being a neighbor to the Air Force base. We cannot allow PFAS to work itself into our food system.

Madam Speaker, my amendment requires the EPA to consider the risk PFAS poses to water used for agricultural purposes, like that at Highland.

Madam Speaker, the EPA's work must be inclusive of farmers, rural America, and the food we eat. I urge my colleagues to adopt the amendment and pass this bill.

Mrs. RODGERS of Washington. Madam Speaker, I reserve the balance of my time.

Mr. TONKO. Madam Speaker, I stand, again, in strong support of the en bloc amendment and, certainly, the measure to which we are amending.

Basically, we have here an opportunity to address ills that we see across America, contaminants, forever dangerous elements that cause all sorts of diseases and destruction, and it is important for us to move forward, I think, to take responsibility and make certain that these forever chemicals that don't break down, that cause cancer and other diseases, are addressed.

We move forward with the opportunity here, assigning the great re-

sponsibilities to EPA so that we have a strong outcome. I think the amendment makes the bill even stronger. I have seen situations in my given region of Upstate New York where communities have been impacted.

Madam Speaker, I encourage everyone to support the amendment and the bill at hand, and I yield back the balance of my time.

Mrs. RODGERS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we all believe that we must have clean water. Unfortunately, this is not a thoughtful or scientific approach.

H.R. 2467 is opposed by a broad diverse, collection of interests that are concerned about its aggressive, over-the-top, unforgiving, and simultaneous mandates, obligations, and expenses.

These include: The United States Conference of Mayors; National League of Cities; National Association of Counties; American Water Works Association; Association of Metropolitan Water Agencies; National Association of Water Companies; National Association of Clean Water Agencies; National Rural Water Association; Association of California Water Agencies; The Water Environment Federation; American Chemistry Council; American Coatings Association; American Forest and Paper Association; American Fuel and Petrochemical Manufacturers; American Petroleum Institute; Flexible Packaging Association; National Association of Chemical Distributors; National Association for Surface Finishing; National Council of Textile Organizations; National Electrical Manufacturers Association; National Association of Surface Finishing; National Association of Printing Ink Manufacturers; Plastics Industry Association; United States Chamber of Commerce.

Madam Speaker, I include these letters in the RECORD.

JULY 21, 2021.

Re Opposition to H.R. 2467, the PFAS Action Act of 2021.

DEAR REPRESENTATIVE: On behalf of organizations representing the nation's municipal governments and drinking water and wastewater systems, we write in opposition to H.R. 2467, the PFAS Action Act of 2021. While we support taking action to reduce the prevalence of PFAS in the environment, the legislation would run counter to the important "polluter pays" principle that guides Superfund site cleanups under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and would step back from the transparent, science-based process of regulating drinking water contaminants under the Safe Drinking Water Act (SDWA) and clean water operations under the Clean Water Act (CWA). We urge you to vote against this legislation in its current form.

H.R. 2467 would require EPA to designate PFOA and PFOS as hazardous substances under CERCLA within one year, and to make a determination on designating all remaining PFAS within five years. These hazardous substance designations are intended to make sure polluters are held responsible for paying for the cleanup of contaminated Superfund sites, which we support. But the bill as cur-

rently structured would also mean that municipal drinking water and wastewater utility ratepayers could face staggering financial liability to clean up PFAS that was legally disposed of following the water treatment process. We believe water and wastewater utilities, when acting in accordance with all applicable laws, should be provided an exemption to protect the utilities and water customers from bearing the costs of cleanup.

In the case of drinking water systems, if PFAS is removed from source water in order to comply with a drinking water regulatory standard, the utility then becomes the possessor of filtration media that contain those PFAS. The utility must then dispose of these PFAS-laden filters, typically by sending them to a hazardous waste landfill in accordance with applicable law. However, should that landfill ever become a Superfund site, then the water utility could be treated as a PFAS polluter—and be responsible for a portion of the cleanup costs—forcing local ratepayers to cover the cleanup bill after they already paid to remove the contaminants from their source water.

Wastewater utilities would face similar liability through no fault of their own because they receive PFAS chemicals through the raw influent that arrives at the treatment plant. This heterogeneous influent can come from domestic, industrial, and commercial sources and may contain PFAS constituents ranging from trace to higher concentrations, depending on the nature of the dischargers to the sewer system. In any case, the influent is not generated by the utility, but the utility is responsible for treating it under scientific and regulatory authorities provided for under the CWA. Because wastewater utilities cannot halt treating continual industrial or domestic wastewater inputs which likely contain PFAS in some concentration, they should be protected through a targeted CERCLA liability exemption.

It is particularly disappointing that H.R. 2467 would offer a CERCLA liability shield to airports that release PFAS into the environment through their use of firefighting foam. It defies logic that the legislation fails to extend that same liability protection to water and wastewater systems that have no choice but to dispose of PFAS found in water supplies, and whose ratepayers would be ultimately responsible for all of the costs associated with a Superfund site cleanup. As passive receivers of PFAS, water and wastewater utilities should be afforded the same liability protections that the legislation would award airports in order to keep CERCLA liability focused on the corporations that created the pollution in the first place. Our organizations have repeatedly asked Congress for CERCLA liability shields in the legislation similar to those for airports but have been rebuffed.

Additionally, many of our organizations oppose provisions in H.R. 2467 that would amend SDWA by requiring EPA to promulgate a national primary drinking water regulation for PFOA and PFOS within two years, establishing a unique and expedited drinking water contaminant regulatory process for other chemicals in the PFAS family, and eliminating EPA's discretion on whether to issue drinking water health advisories related to PFAS. In sum, these changes would undermine the development of transparent, science-based drinking water standards, and would place undue cost burdens on our communities and ratepayers while leading to premature regulatory decisions that lack public review and scientific validity.

While we share the goal of addressing PFAS contamination and holding accountable those entities that are responsible releasing it into the environment, H.R. 2467

would instead assign environmental cleanup liability to innocent water systems and their customers. We have no choice but to oppose the legislation and encourage you to vote against it in its current form.

Sincerely,

American Council of Engineering Companies, Association of California Water Agencies, California Association of Sanitation Agencies, National Association of Counties, National League of Cities, National Water Resources Association, Water Environment Federation, American Water Works Association, Association of Metropolitan Water Agencies, National Association of Clean Water Agencies, National Association of Water Companies, National Rural Water Association, The U.S. Conference of Mayors.

JUNE 22, 2021.

Hon. FRANK PALLONE,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*
Hon. CATHY MCMORRIS RODGERS,
*Ranking Member, Committee on Energy and
Commerce, House of Representatives, Wash-
ington, DC.*

DEAR CHAIRMAN PALLONE AND RANKING MEMBER MCMORRIS RODGERS, On behalf of the nation's mayors, cities and counties, we write to express our concerns with the Assistance, Quality, and Affordability Act of 2021 (AQUA Act, H.R. 3291) and the PFAS Action Act of 2021 (H.R. 2467). Our organizations strongly support provisions in H.R. 3291 that would reauthorize the Drinking Water State Revolving Fund and authorize grants to support lead pipe replacement and PFAS treatment. However, the legislation also includes provisions that would require the U.S. Environmental Protection Agency (EPA) to set National Primary Drinking Water Regulations for PFAS and other chemicals and regulate PFAS under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). These provisions could have unintended consequences for local governments and place an undue cost burden on communities and our residents.

In general, our organizations support provisions in the 1996 Amendments to the Safe Drinking Water Act (SDWA), which require that drinking water standards be based on sound science, public health protection and occurrence of contaminants in drinking water supplies at levels of public health concern to reduce risk while balancing costs. Congress should not circumvent this process in any way for select contaminants.

Moreover, CERCLA ensures that hazardous substances that may endanger public health or the environment are cleaned up by holding responsible parties financially liable. Local governments, including municipal airports and fire departments, which were required by federal law to use firefighting foam containing PFAS chemicals, and drinking water and wastewater utilities and municipal landfills, which serve as receivers of PFAS chemicals and did not cause or contribute to contamination, should not be held liable for PFAS contamination or cleanup costs.

The nation is just emerging from a deadly pandemic that has left local governments and many of our residents and small businesses reeling financially. Our communities need financial assistance to address our drinking water infrastructure challenges, but we can not absorb costly unfunded mandates that will become an additional burden to local budgets and our residents. While we acknowledge the public health risks associated with PFAS chemicals and urge Congress and the Administration to examine PFAS contamination holistically and to take com-

prehensive action to address the problem, the federal government should avoid passing costs onto local governments and ratepayers for PFAS treatment and cleanup.

We agree with the sentiment outlined in the comment letter from the American Water Works Association, Association of Metropolitan Water Agencies, National Association of Water Companies and the National Rural Water Association to the House Energy and Commerce Committee on June 15, which raises similar concerns.

Specifically, we offer the following comments on the AQUA Act and the PFAS Action Act of 2021:

Local governments, water utilities and their ratepayers should not be held financially liable under CERCLA for PFAS contamination. CERCLA was established to make polluters and manufacturers of these pollutants pay for the contamination they caused. At a minimum, the legislation should extend a similar CERCLA liability exemption to local governments that is offered to airports.

We are opposed to Congress modifying EPA's impartial contaminant regulatory process on an ad-hoc basis to establish a unique and expedited regulatory process for specific chemicals. The legislation would require EPA to rush to finalize drinking water regulations for PFOA, PFOS, and other chemicals in the PFAS family within two years of the bill's enactment. We believe that an expedited time frame would come at the expense of public transparency and scientific rigor and would lead to inequitable regulations that force the lowest-income water ratepayers to shoulder a greater proportion of the new compliance costs that are passed on by their water systems.

Repealing section 1412(b)(6) of the Safe Drinking Water Act, a key provision that allows EPA the opportunity to ensure that the public health benefits of a drinking water regulation are reasonably balanced with the compliance costs that water system ratepayers will incur, will directly shift the burden to pay for these upgrades to local governments. Under current law, if EPA determines that the benefits of a proposed maximum contaminant level (MCL) do not justify the costs of compliance, section 1412(b)(6) gives EPA the option, following notice and opportunity for public comment, to promulgate an MCL "that maximizes health risk reduction benefits at a cost that is justified by the benefits."

The PFAS infrastructure grant program as proposed in H.R. 2467 includes the limitation of eligible treatment technologies to those that are certified to remove "all detectable amounts" of PFAS from water supplies is admirable. We are concerned about this requirement, however, since no technology is available today that can reliably meet this standard.

As it pertains to the replacement of lead service lines, there is language included in the grant authorization that would require "any recipient of funds . . . shall offer to replace any privately owned portion of the lead service line at no cost to the private owner." This language is potentially problematic for several reasons. First, as the water associations pointed out in their letter, the language could be interpreted to require any water system that receives any amount of program funds to permanently pay for all future private-side lead service line replacement costs, even after this federal grant assistance has been exhausted. Second, we are also concerned that authorization does not mean full appropriations at the levels necessary to replace all private residences' lead service lines. Including this language could potentially hamper local government long-term efforts to develop a program to replace

all lead service lines. Finally, we are concerned that potential new EPA testing and replacement rules will trigger lead pipe replacement without the necessary Congressional funds. For these reasons, we agree with the water associations' recommendation—that the legislation should specify that "none of the funds made available" through this program may be spent in a manner inconsistent with conditions specified by Congress.

Thank you for considering the local government perspective as you move this legislation forward. We look forward to working with you to address our nation's drinking water needs. If you have any questions, please don't hesitate to contact our staff: Judy Sheahan (USCM) Carolyn Berndt (NLC) or Adam Pugh (NACo).

Sincerely,

TOM COCHRAN,
*CEO & Executive Di-
rector, The U.S.
Conference of May-
ors.*

CLARENCE E. ANTHONY,
*CEO & Executive Di-
rector, National
League of Cities.*

MATTHEW D. CHASE,
*CEO & Executive Di-
rector, National As-
sociation of Coun-
ties.*

JULY 2, 2021.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: We, the undersigned organizations, strongly oppose H.R. 2467, the "PFAS Action Act." Our organizations are committed to ensuring the safety of our employees and the communities where we live and operate. This legislation would delay and complicate contamination remediation issues.

Product safety provides the foundation of consumer trust, and our members devote significant resources to achieve this effort. Every member of the value chain has an important part to play to ensure the products consumers use are safe and sustainable. We remain committed to advancing effective, science-based solutions to PFAS challenges.

This spring, we sent a letter to EPA Administrator Michael Regan regarding possible designation of PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). As stated then, CERCLA is not an effective policy tool to fulfill the goal of accelerating cleanup in communities.

Moreover, EPA has existing authority to meet the intent of this legislation and should be provided the time, resources, and flexibility to make its determination regarding how best to address PFAS concerns. This approach should be made with guidance from the new PFAS Council review process, consistent with sound science and accepted principles for protecting public health and the environment.

Finally, a bill of H.R. 2467's magnitude and complexity, including the proposed sector-based wastewater effluent guidelines, deserves the opportunity to be examined at length in a committee setting. Many major stakeholders, including EPA, the Department of Defense, other federal agencies and states have all taken significant actions to address PFAS since the last time we had a venue to discuss within a committee.

We oppose the PFAS Action Act and ask that the House of Representatives do so as

well. We stand ready to assist you throughout the legislative process and engage on a better way to move forward on this issue.

Sincerely,

American Chemistry Council, American Coatings Association, American Council of Engineering Companies, American Forest & Paper Association, American Fuel and Petrochemical Manufacturers, American Petroleum Institute, Flexible Packaging Association, National Association of Chemical Distributors, National Association of Printing Ink Manufacturers, National Association for Surface Finishing, Plastics Industry Association, U.S. Chamber of Commerce.

JUNE 15, 2021.

Hon. PAUL TONKO,
Chairman, Subcommittee on Environment and Climate Change, House of Representatives, Washington, DC.

Hon. DAVID MCKINLEY,
Ranking Member, Subcommittee on Environment and Climate Change, House of Representatives, Washington, DC.

DEAR CHAIRMAN TONKO AND RANKING MEMBER MCKINLEY: We, the undersigned organizations, strongly oppose H.R. 2467, the "PFAS Action Act." Our organizations are committed to ensuring the safety of our employees and the communities where we live and operate. Product safety provides the foundation of consumer trust, and our members devote significant resources to achieve this effort. Every member of the value chain has an important part to play to ensure the products consumers use are safe and sustainable.

With these goals in mind, earlier this spring we sent a letter to EPA Administrator Michael Regan expressing our concerns regarding possible designation of PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). As stated then, CERCLA is not an effective policy tool to fulfill the goal of accelerating cleanup in communities and may delay cleanups already in process.

EPA has existing authority to meet the intent of this legislation and should be provided the time, resources, and flexibility to make its determination whether and how to address PFAS. This approach should be made under the new PFAS Council, consistent with sound science, and to protect human health and the environment.

Finally, a bill of H.R. 2467's magnitude and importance deserves a hearing before going to markup. The subcommittee has not held a hearing on PFAS for approximately two years. Since that time, EPA, the Department of Defense, other federal agencies, and the states have all taken significant actions to address PFAS challenges. The subcommittee should hear from those government agencies, the business community, and other key stakeholders before members decide on the proper scope and substance of any legislation. Moreover, the committee has gained many new members who deserve an opportunity to hear from such stakeholders before making policy decisions.

We oppose the PFAS Action Act and ask the members of your subcommittee to do so as well. We stand ready to assist you throughout the legislative process.

Sincerely,

Agricultural Retailers Association, Airlines for America, American Chemistry Council, American Coatings Association, American Forest and Paper Association, American Fuel and Petrochemical Manufacturers, American Petroleum Institute, Flexible Packaging Association, National Cattleman's Beef Association, National Association of Chemical Distributors, National Association of Manufacturers, National Association

for Surface Finishing, National Council of Textile Organizations, National Electrical Manufacturers Association, National Oilseed Processors Association, National Mining Association, Plastics Industry Association, U.S. Chamber of Commerce.

□ 1400

The amendments en bloc is a collection of 10 individual amendments. In fact, some parts of it are indicative of the underlying bill. It is provisions you don't need a bill to accomplish because EPA is already doing them.

Other parts of this amendment highlight, for me, why the overall bill should be opposed, and many do oppose it. Let me give you some examples.

The amendments en bloc contains a provision that would create a website at EPA containing household well water testing. Ironically, EPA already has that website. For those interested, it is www.epa.gov/privatewells.

Among its existing resources are items called for in these amendments: PFAS testing, health effects discussion, and third-party certification recommendations. Any other issues could be solved by updating this website.

The amendments en bloc also doubles down on certain consumer product problems the underlying bill creates and then kicks it up a notch. It adds luggage, umbrellas, and food packaging materials to section 10's expansion of a program never designed for articles and would force significant changes and administrative effort.

It also requires every manufacturer or importer of a PFAS chemical in the last 10 years to send a sample of it to EPA and to each State. Notwithstanding that this could make EPA subject to hazardous waste storage requirements under section 9, EPA is already compelling comprehensive toxicity testing from the same people for the same ultimate purpose under section 3 of the bill.

The amendments en bloc authorizes funding for things that appear to be covered already. It increases the funding authorization in section 7 for grants by 600 percent. That is a hike before we even know how well the program works or if the money is needed.

It also provides reimbursement to communities that installed equipment to remove PFAS from drinking water when those upgrades were made without expectation of Federal money.

The amendments en bloc creates, similar to lead, a Federal grant program for PFAS testing at schools, drinking water filters, and disposal efforts. But there is nothing to suggest PFAS enters drinking water like lead, and the used filters are not protected from Superfund liability if they are safely disposed.

I wish we would take the time to make the real reforms that would improve this bill—amendments like the one offered by Mr. BILIRAKIS to protect the bill from harming semiconductor production in the United States of America. PFAS are essential to etching and cleaning semiconductors, and

we don't want this bill to prevent the formation of a domestic supply chain in the United States of America.

I am also thinking about bipartisan amendments offered by Dr. BUCSHON and Mr. SCHRADER to protect PFAS used in FDA-approved drugs and devices. Pediatric and adult heart patients have PFAS to thank for stents and heart valves that keep them alive today.

Mr. CARTER, too, had an amendment to save chlorine production from extinction in this country. There are only three ways to make it: mercury, which is being phased out; asbestos, which EPA has considered banning; and PFAS. Coming out of a pandemic, killing chlorine should be the last thing we are trying to do.

Mr. CRENSHAW also had an amendment to protect the use of PFAS in protective gear. Crime is surging in our cities. Now more than ever, our police personnel and military should not be put in danger because the chemicals necessary to keep them safe are a casualty of this bill.

These amendments were not made in order. The Congressional Budget Office, CBO, score of H.R. 2467 was indeterminate, stating its administration would cost the Federal Government \$280 million, but it is impossible to know how it impacts Federal spending.

No matter how well-intended or well-meaning this bill may be, its impacts are broad, unknown, and depend on things Congress hasn't yet established and must think through.

The amendments en bloc does not improve this bill, and I oppose it and urge others to do the same.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 535, the previous question is ordered on the amendments en bloc offered by the gentleman from New York (Mr. TONKO).

The question is on the amendments en bloc.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 195, not voting 9, as follows:

[Roll No. 215]

YEAS—226

Adams	Bowman	Castor (FL)
Aguilar	Boyle, Brendan	Castro (TX)
Allred	F.	Chu
Auchincloss	Brown	Cicilline
Axne	Brownley	Clark (MA)
Barragán	Bush	Clarke (NY)
Bass	Bustos	Cleaver
Beatty	Butterfield	Clyburn
Bera	Carbajal	Cohen
Beyer	Cárdenas	Connolly
Bishop (GA)	Carson	Cooper
Blumenauer	Carter (LA)	Correa
Blunt Rochester	Cartwright	Costa
Bonamici	Case	Courtney
Bourdeaux	Casten	Craig

Crist	Kuster	Raskin
Crow	Lamb	Rice (NY)
Cuellar	Langevin	Ross
Davids (KS)	Larsen (WA)	Roybal-Allard
Davis, Danny K.	Larson (CT)	Ruiz
Dean	Lawrence	Ruppersberger
DeFazio	Lawson (FL)	Rush
DeGette	Lee (CA)	Ryan
DeLauro	Lee (NV)	Sánchez
DelBene	Leger Fernandez	Sarbanes
Delgado	Levin (CA)	Scanlon
Demings	Levin (MI)	Schakowsky
DeSaulnier	Lieu	Schiff
Deutch	Lofgren	Schneider
Dingell	Lowenthal	Schrader
Doggett	Luria	Schrier
Escobar	Lynch	Scott (VA)
Eshoo	Malinowski	Scott, David
Espallat	Maloney	Seiwell
Evans	Carolyn B.	Sherman
Fitzpatrick	Maloney, Sean	Sherrill
Fletcher	Manning	Sires
Foster	Matsui	Slotkin
Frankel, Lois	McBath	Smith (NJ)
Gallego	McCollum	Smith (WA)
Garamendi	McEachin	Soto
Garcia (IL)	McGovern	Spanberger
Garcia (TX)	McKinley	Speier
Golden	McNerney	Stansbury
Gomez	Meeks	Stanton
Gonzalez,	Meijer	Stevens
Vicente	Meng	Strickland
Gotthelmer	Mfume	Suozzi
Green, Al (TX)	Moore (WI)	Swalwell
Grijalva	Morelle	Takano
Harder (CA)	Moulton	Thompson (CA)
Hayes	Mrvan	Thompson (MS)
Higgins (NY)	Murphy (FL)	Titus
Himes	Nadler	Tlaib
Horsford	Napolitano	Tonko
Houlahan	Neal	Torres (CA)
Hoyer	Neguse	Torres (NY)
Huffman	Newman	Trahan
Jackson Lee	Norcross	Trone
Jacobs (CA)	O'Halleran	Underwood
Jayapal	Ocasio-Cortez	Upton
Jeffries	Omar	Van Drew
Johnson (GA)	Pallone	Vargas
Johnson (TX)	Panetta	Veasey
Jones	Pappas	Vela
Kahele	Pascarell	Velázquez
Kaptur	Payne	Wasserman
Katko	Perlmutter	Schultz
Keating	Peters	Waters
Kelly (IL)	Phillips	Watson Coleman
Khanna	Pingree	Welch
Kildee	Pocan	Wexton
Kilmer	Porter	Wild
Kim (NJ)	Posey	Williams (GA)
Kind	Pressley	Wilson (FL)
Kirkpatrick	Price (NC)	Yarmuth
Krishnamoorthi	Quigley	

NAYS—195

Aderholt	Cole	Gooden (TX)
Allen	Comer	Gosar
Amodei	Crawford	Granger
Arrington	Crenshaw	Graves (LA)
Babin	Curtis	Graves (MO)
Bacon	Davidson	Green (TN)
Baird	Davis, Rodney	Greene (GA)
Balderson	DesJarlais	Griffith
Banks	Diaz-Balart	Grothman
Barr	Donalds	Guthrie
Bentz	Duncan	Hagedorn
Bergman	Dunn	Harris
Bice (OK)	Emmer	Harshbarger
Biggs	Estes	Hartzler
Bilirakis	Fallon	Hern
Bishop (NC)	Feenstra	Herrell
Boebert	Ferguson	Herrera Beutler
Bost	Fischbach	Hice (GA)
Brady	Fitzgerald	Hill
Brooks	Fleischmann	Hinson
Buchanan	Fortenberry	Hollingsworth
Buck	Fox	Hudson
Bucshon	Franklin, C.	Huizenga
Budd	Scott	Issa
Burchett	Fulcher	Jackson
Burgess	Gaetz	Jacobs (NY)
Calvert	Gallagher	Johnson (LA)
Cammack	Garbarino	Johnson (OH)
Carl	Garcia (CA)	Johnson (SD)
Carter (TX)	Gibbs	Jordan
Cawthorn	Jimenez	Joyce (OH)
Chabot	Gohmert	Joyce (PA)
Cline	Gonzales, Tony	Keller
Cloud	Gonzalez (OH)	Kelly (MS)
Clyde	Good (VA)	Kelly (PA)

Kim (CA)	Mullin	Smucker
Kinzinger	Murphy (NC)	Spartz
Kustoff	Nehls	Staubert
LaHood	Norman	Steel
LaMalfa	Nunes	Stefanik
Lamborn	Obermole	Steil
Latta	Owens	Steube
LaTurner	Palazzo	Stewart
Lesko	Palmer	Taylor
Letlow	Pence	Tenney
Long	Perry	Thompson (PA)
Loudermilk	Pfluger	Tiffany
Luetkemeyer	Reed	Timmons
Mace	Reschenthaler	Turner
Malliotakis	Rice (SC)	Valadao
Mann	Rodgers (WA)	Van Dwyne
Massie	Rogers (AL)	Wagner
Mast	Rogers (KY)	Walberg
McCarthy	Rose	Walorski
McCaul	Rosendale	Waltz
McClain	Rouzer	Weber (TX)
McClintock	Roy	Webster (FL)
McHenry	Rutherford	Wenstrup
Meuser	Salazar	Westerman
Miller (IL)	Scalise	Williams (TX)
Miller (WV)	Schweikert	Wilson (SC)
Miller-Meeks	Scott, Austin	Wittman
Mooleenaar	Sessions	Womack
Mooney	Simpson	Zeldin
Moore (AL)	Smith (MO)	
Moore (UT)	Smith (NE)	

NOT VOTING—9

Armstrong	Doyle, Michael	Lucas
Carter (GA)	F.	Newhouse
Cheney	Guest	Young
	Higgins (LA)	

□ 1434

So the en bloc amendments were agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei	Johnson (TX)	Rogers (KY)
(Balderson)	(Jeffries)	(Fleischmann)
Buchanan	Jones (Williams)	Ruiz (Correa)
(LaHood)	(GA)	Rush
DeSaulnier	Kirkpatrick	(Underwood)
(Matsui)	(Stanton)	Salazar
Fulcher	Lawson (FL)	(Cammack)
(Simpson)	(Evans)	Stewart (Curtis)
Garcia (IL)	McEachin	Titus (Connolly)
(Garcia (TX))	(Wexton)	Van Drew
Granger	Meng (Jeffries)	(Reschenthaler)
(Calvert)	Napolitano	Wilson (FL)
Grijalva	(Correa)	(Hayes)
(Stanton)	Payne (Pallone)	

The SPEAKER pro tempore. The previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CRENSHAW. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Crenshaw moves to recommit the bill, H.R. 2467, to the Committee on Energy and Commerce.

The material previously referred to by Mr. CRENSHAW is as follows:

In section 2—

(1) redesignate subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) insert after subsection (c) the following:

(d) PROTECTIVE GEAR.—No person shall be liable under the Comprehensive Environmental Response, Compensation, and Liabil-

ity Act of 1980 (42 U.S.C. 9601 et seq.) for the costs of responding to, or damages resulting from, a release to the environment of a perfluoroalkyl or polyfluoroalkyl substance designated as a hazardous substance under section 102(a) of such Act that is related to the manufacture of individual protective equipment, including body armor, that is designed to protect members of the United States military, law enforcement personnel, or first responders (including Federal, State, local, territorial, and Tribal law enforcement personnel and first responders) from—

(1) threats posed by ballistic, edged, chemical, biological, or other weaponry; or

(2) hazards posed by extreme weather.

Page 9, line 14, strike “For a period” and insert “Except as provided in paragraph (3), for a period”.

Page 10, after line 2, insert the following:

“(3) PROTECTIVE GEAR.—This subsection shall not apply with respect to a notice described in paragraph (1) that is related to the manufacture of individual protective equipment, including body armor, that is designed to protect members of the United States military, law enforcement personnel, or first responders (including Federal, State, local, territorial, and Tribal law enforcement personnel and first responders) from threats posed by ballistic, edged, chemical, biological, or other weaponry, or hazards posed by extreme weather.”.

Section 8(b) is amended by adding at the end the following: “In revising such list, the Administrator shall exclude from any category or subcategory so listed a source whose emissions of such a substance are related to the manufacture of individual protective equipment, including body armor, that is designed to protect members of the United States military, law enforcement personnel, or first responders (including Federal, State, local, territorial, and Tribal law enforcement personnel and first responders) from threats posed by ballistic, edged, chemical, biological, or other weaponry, or hazards posed by extreme weather.”.

Page 25, after line 13, insert the following:

“(3) EXEMPTION.—Paragraph (1)(C) shall not apply with respect to individual protective equipment, including body armor, that—

“(A) contains perfluoroalkyl and polyfluoroalkyl substances; and

“(B) is designed to protect members of the United States military, law enforcement personnel, or first responders (including Federal, State, local, territorial, and Tribal law enforcement personnel and first responders) from—

“(i) threats posed by ballistic, edged, chemical, biological, or other weaponry; or

“(ii) hazards posed by extreme weather.”.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CRENSHAW. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 218, not voting 8, as follows:

[Roll No. 216]

YEAS—204

Aderholt	Amodei	Babin
Allen	Arrington	Bacon

Baird
Balderson
Banks
Barr
Bentz
Bergman
Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brady
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Calvert
Cammack
Carl
Carter (TX)
Cawthorn
Chabot
Cline
Cloud
Clyde
Cole
Comer
Crawford
Crenshaw
Curtis
Davidson
Davis, Rodney
DesJarlais
Diaz-Balart
Donalds
Duncan
Dunn
Emmer
Estes
Fallon
Feenstra
Ferguson
Fischbach
Fitzgerald
Fitzpatrick
Fleischmann
Fortenberry
Foxy
Franklin, C.
Scott
Fulcher
Gaetz
Gallagher
Garbarino
Garcia (CA)
Gibbs
Gimenez
Gohmert
Gonzales, Tony
Gonzalez (OH)
Good (VA)
Gooden (TX)
Gosar

Granger
Graves (MO)
Green (TN)
Griffith
Guest
Guthrie
Hagedorn
Harris
Harshbarger
Hartzler
Hern
Herrell
Herrera Beutler
Hice (GA)
Hill
Hinson
Hollingsworth
Hudson
Huizenga
Issa
Jackson
Jacobs (NY)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
Kim (CA)
Kinzinger
Kustoff
LaHood
LaMalfa
Lamborn
Latta
LaTurner
Lesko
Letlow
Long
Loudermilk
Lucas
Luetkemeyer
Mace
Malliotakis
Mann
Massie
Mast
McCarthy
McCaull
McClain
McClintock
McHenry
McKinley
Meijer
Meuser
Miller (IL)
Miller (WV)
Miller-Meeks
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Mullin

Murphy (NC)
Nehls
Newhouse
Norman
Nunes
Oberholte
Owens
Palazzo
Palmer
Pence
Perry
Pfluger
Posey
Reed
Reschenthaler
Rice (SC)
Rodgers (WA)
Rogers (AL)
Rogers (KY)
Rose
Rosendale
Rouzer
Roy
Rutherford
Salazar
Scalise
Schweikert
Scott, Austin
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Stewart
Taylor
Tenney
Thompson (PA)
Tiffany
Timmons
Turner
Upton
Valadao
Van Drew
Van Duyn
Wagner
Walberg
Walorski
Waltz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams (TX)
Wilson (SC)
Wittman
Womack
Young
Zeldin

NAYS—218

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan
F.
Brown
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten

Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell

Doggett
Escobar
Eshoo
Espaillat
Evans
Fletcher
Foster
Frankel, Lois
Gallego
Garamendi
Garcia (IL)
Garcia (TX)
Golden
Gomez
Gonzalez,
Vicente
Gottheimer
Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jacobs (CA)
Jayapal

Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahale
Kaptur
Keating
Kelly (IL)
Khanna
Kildee
Neal
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Lefgren
Lowenthal
Luria
Lynch
Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Manning
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks

Meng
Mfume
Moore (WI)
Mouelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider

Schrader
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stansbury
Stanton
Stevens
Strickland
Suozi
Swalwell
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Wasserman
Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth

NOT VOTING—8

Armstrong
Carter (GA)
Cheney

Doyle, Michael
F.
Graves (LA)

Greene (GA)
Grothman
Higgins (LA)

□ 1458

Ms. JAYAPAL, Messrs. O'HALLERAN, and KILDEE changed their vote from “yea” to “nay.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. GROTHMAN. Madam Speaker, I was delayed in a meeting. Had I been present, I would have voted “yea” on rollcall No. 216.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei
(Balderson)
Buchanan
DeSaulnier
Fulcher
(Simpson)
Garcia (IL)
(Garcia (TX))
Granger
(Calvert)
Grijalva
(Stanton)

Johnson (TX)
(Jeffries)
Jones (Williams
(GA))
Kirkpatrick
(Stanton)
Lawson (FL)
(Evans)
McEachin
(Wexton)
Meng (Jeffries)
Napolitano
(Correa)
Payne (Pallone)

Rogers (KY)
(Fleischmann)
Ruiz (Correa)
Rush
(Underwood)
Salazar
(Cammack)
Stewart (Curtis)
Titus (Connolly)
Van Drew
(Reschenthaler)
Wilson (FL)
(Hayes)
Young
(Malliotakis)

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LONG. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 183, not voting 6, as follows:

[Roll No. 217]

YEAS—241

Adams
Aguilar
Allred
Auchincloss
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Bourdeaux
Bowman
Boyle, Brendan
F.
Brown
Brownley
Bush
Bustos
Butterfield
Carbajal
Cárdenas
Carson
Carter (LA)
Cartwright
Case
Casten
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Craig
Crist
Crow
Cuellar
Davids (KS)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Escobar
Eshoo
Espaillat
Evans
Fitzpatrick
Fletcher
Fortenberry
Foster
Frankel, Lois
Gaetz
Gallagher
Gallego
Garamendi
Garbarino
Garcia (IL)
Garcia (TX)
Golden
Gomez
Gonzalez,
Vicente
Gottheimer

Green, Al (TX)
Grijalva
Harder (CA)
Hayes
Herrera Beutler
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Hudson
Huffman
Huizenga
Jackson Lee
Jacobs (CA)
Jacobs (NY)
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Jones
Kahale
Kaptur
Katko
Keating
Kelly (IL)
Khanna
Kildee
Kilmer
Kim (NJ)
Kind
Kirkpatrick
Krishnamoorthi
Kuster
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Leger Fernandez
Levin (CA)
Levin (MI)
Lieu
Lofgren
Lowenthal
Luria
Lynch
Mace
Malinowski
Maloney,
Carolyn B.
Maloney, Sean
Manning
Mast
Matsui
McBath
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meijer
Meng
Mfume
Moore (WI)
Morelle
Moulton
Mrvan
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Newman
Norcross
O'Halleran
Ocasio-Cortez
Omar

Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Posey
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Ross
Rouzer
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrier
Scott (VA)
Scott, David
Sewell
Sherman
Sherrill
Sires
Slotkin
Smith (NJ)
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stansbury
Stevens
Strickland
Suozi
Swalwell
Takano
Tenney
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres (NY)
Trahan
Trone
Turner
Underwood
Upton
Van Drew
Vargas
Veasey
Vela
Velázquez
Wasserman
Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Williams (GA)
Wilson (FL)
Yarmuth
Young
Zeldin

NAYS—183

Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bentz
Bergman

Bice (OK)
Biggs
Bilirakis
Bishop (NC)
Boebert
Bost
Brooks
Buchanan
Buck
Bucshon
Budd
Burchett

Burgess
Calvert
Cammack
Carl
Carter (TX)
Cawthorn
Chabot
Cheney
Cline
Cloud
Clyde
Cole

Comer	Issa	Palmer
Crawford	Jackson	Pence
Crenshaw	Johnson (LA)	Perry
Curtis	Johnson (OH)	Pfluger
Davidson	Johnson (SD)	Reed
Davis, Rodney	Jordan	Reschenthaler
DesJarlais	Joyce (OH)	Rice (SC)
Diaz-Balart	Joyce (PA)	Rodgers (WA)
Donalds	Keller	Rogers (AL)
Duncan	Kelly (MS)	Rogers (KY)
Dunn	Kelly (PA)	Rose
Emmer	Kim (CA)	Rosendale
Estes	Kinzinger	Roy
Fallon	Kustoff	Rutherford
Feenstra	LaHood	Salazar
Ferguson	LaMalfa	Scalise
Fischbach	Lamborn	Schweikert
Fitzgerald	Latta	Scott, Austin
Fleischmann	LaTurner	Sessions
Fox	Lesko	Simpson
Franklin, C.	Letlow	Smith (MO)
Scott	Loudermilk	Smith (NE)
Fulcher	Lucas	Smucker
Garcia (CA)	Luetkemeyer	Spartz
Gibbs	Malliotakis	Stauber
Jimenez	Mann	Steel
Gohmert	Massie	Stefanik
Gonzales, Tony	McCarthy	Steil
Gonzalez (OH)	McCaul	Steube
Gooden (TX)	McClain	Stewart
Gosar	McClintock	Taylor
Granger	McHenry	Thompson (PA)
Graves (LA)	Meuser	Tiffany
Graves (MO)	Miller (IL)	Timmons
Green (TN)	Miller (WV)	Valadao
Greene (GA)	Miller-Meeke	Van Dyne
Griffith	Moolenaar	Wagner
Grothman	Mooney	Walberg
Guest	Moore (AL)	Walorski
Guthrie	Moore (UT)	Waltz
Hagedorn	Mullin	Weber (TX)
Harris	Murphy (NC)	Webster (FL)
Harshbarger	Nehls	Wenstrup
Hartzler	Newhouse	Westerman
Hern	Norman	Williams (TX)
Herrell	Nunes	Wilson (SC)
Hice (GA)	Obernolte	Wittman
Hill	Owens	Womack
Hinson	Palazzo	
Hollingsworth		

NOT VOTING—6

Armstrong	Doyle, Michael	Higgins (LA)
Brady	F.	
Carter (GA)	Good (VA)	

□ 1519

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ARMSTRONG. Madam Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 217, "yea" on rollcall No. 216, and "nay" on rollcall No. 215.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Amodei	Johnson (TX)	Rogers (KY)
(Balderson)	(Jeffries)	(Fleischmann)
Buchanan	Jones (Williams)	Ruiz (Correa)
(LaHood)	(GA))	Rush
DeSaulnier	Kirkpatrick	(Underwood)
(Matsui)	(Stanton)	Salazar
Fulcher	Lawson (FL)	(Cammack)
(Simpson)	(Evans)	Stewart (Curtis)
Garcia (IL)	McEachin	Titus (Connolly)
(Garcia (TX))	(Wexton)	Van Drew
Granger	Meng (Jeffries)	(Reschenthaler)
(Calvert)	Napolitano	Wilson (FL)
Grijalva	(Correa)	(Hayes)
(Stanton)	Payne (Pallone)	

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2467, PFAS ACTION ACT OF 2021

Mr. TONKO. Madam Speaker, I ask unanimous consent that, in the engrossment of H.R. 2467, the Clerk be au-

thorized to correct section numbers, punctuation, spelling, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House, including striking lines 13 through 23 on page 20.

The SPEAKER pro tempore (Ms. LEGER FERNANDEZ). Is there objection to the request of the gentleman from New York?

There was no objection.

RECOGNIZING THE CONTRIBUTIONS OF PAM HOWELL-BEACH TO GREATER TOLEDO

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, I rise today to recognize and pay tribute to the contributions of Pam Howell-Beach to the greater Toledo community.

During her tenure with the Toledo Community Foundation, Pam guided the organization to a strong financial future, increasing its assets by over \$80 million.

Later, as executive director of the Stranahan Foundation, Pam oversaw grant distributions of more than \$71 million to organizations working in education, health, and the arts.

Pam's leadership in the nonprofit world was as wide as it was appreciated and as big as her heart. From working with the Zonta Club of Toledo, Philanthropy Ohio, Ability Center of Greater Toledo, and Mercy Health Partners, to the Early Childhood Funders Collaborative, and Susan G. Komen Foundation, her impassioned service touched the lives of thousands upon thousands of Toledoans.

As Pam confronts a challenging health situation, I want to convey, on behalf of all Toledoans, how grateful we are for her work, her life, her dedication and her love for community. We are all the better as a result of her lifelong commitment to others.

Madam Speaker, I thank Pam, and may God bless her today and always.

CONGRESS MUST KEEP THE BIPARTISAN SPIRIT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, throughout this Congress, the House Agriculture Committee has had countless discussions on ways that we can empower our farm families and build a robust rural economy.

Earlier this month, we made good on our word. I am proud to be able to work with all members of our committee and support the Broadband Internet Connections for Rural America Act, which provides significant investments into the deployment and development of broadband to rural America.

This legislation reflects many of our shared priorities and shared work. And in many ways, it is similar to the bipartisan legislation I introduced earlier this year.

I thank all of the members of the Agriculture Committee for their work and enthusiasm to meet the needs of rural Americans. I know this issue is so personal for each of us and the constituents we represent.

The House Agriculture Committee is often considered the most bipartisan committee in the House. This markup bill is proof that we can still reach an agreement under extraordinary times, and I hope we can keep this bipartisan spirit as infrastructure talks continue.

200 DAYS OF DEMOCRATS WORKING TO BUILD BACK BETTER

(Ms. JACOBS of California asked and was given permission to address the House for 1 minute.)

Ms. JACOBS of California. Madam Speaker, today marks 200 days of this Congress; 200 days of House Democrats working to build back better.

Madam Speaker, our constituents want us to meet this moment.

That is why we have passed historic legislation to strengthen our democracy, ensure equal pay, guarantee the rights of LGBTQ-plus Americans, advance racial justice, prioritize gun safety and more.

We started this Congress by passing the American Rescue Plan, a historic investment in workers and families that included the expanded and improved child tax credit, one of the most important antipoverty measures of this generation.

Last week, I met with parents in Chula Vista who had tears in their eyes talking about what a difference the new child tax credit would make for their families.

They talked about not only being able to pay for rent and childcare and school supplies, but also for the first time being able to start saving for their kids to go to college.

Madam Speaker, that is worth celebrating, and it is worth protecting.

Let's build on the progress we have made, make permanent the expanded child tax credit, and make sure American families truly can build back better.

REQUEST TO CONSIDER H.R. 18, NO TAXPAYER FUNDING FOR ABORTION ACT

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Madam Speaker, the right to life is one of the founding principles of our Nation. Every human being, born or unborn, is entitled to life, liberty and the pursuit of happiness.

Yet today, we see this right under attack as the Biden administration continues their war on the unborn by seeking to remove the Hyde amendment, a