

116TH CONGRESS  
1ST SESSION

# H. R. 2608

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

---

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Mr. SEAN PATRICK MALONEY of New York introduced the following bill;  
which was referred to the Committee on Energy and Commerce

---

## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Testing Act of  
5 2019”.

6 **SEC. 2. TESTING OF PERFLUOROALKYL AND**  
7 **POLYFLUOROALKYL SUBSTANCES.**

8 (a) TESTING REQUIREMENTS.—Section 4(a) of the  
9 Toxic Substances Control Act (15 U.S.C. 2603(a)) is  
10 amended by adding at the end the following:

1           “(5)           PERFLUOROALKYL           AND  
2           POLYFLUOROALKYL SUBSTANCES ORDER.—Notwith-  
3           standing paragraphs (1) through (4), not later than  
4           60 days after the date of enactment of this para-  
5           graph, the Administrator shall, by order, require  
6           that comprehensive toxicity testing be conducted on  
7           all chemical substances that are perfluoroalkyl and  
8           polyfluoroalkyl substances.”.

9           (b) PERSONS SUBJECT TO ORDER.—Section 4(b)(3)  
10          of the Toxic Substances Control Act (15 U.S.C.  
11          2603(b)(3)) is amended—

12           (1) in subparagraph (A), by striking “subpara-  
13          graph (B) or (C)” and inserting “subparagraph (B),  
14          (C), or (D)”; and

15           (2) by adding at the end the following:

16          “(D) An order under subsection (a)(5) shall require  
17          the development of information by any person who manu-  
18          factures or processes, or intends to manufacture or proc-  
19          ess, a chemical substance that is a perfluoroalkyl or  
20          polyfluoroalkyl substance.”.

21          (c) PERFLUOROALKYL AND POLYFLUOROALKYL SUB-  
22          STANCES.—Section 4 of the Toxic Substances Control Act  
23          (15 U.S.C. 2603) is amended by adding at the end the  
24          following:

1       “(i) PERFLUOROALKYL AND POLYFLUOROALKYL  
2 SUBSTANCES.—

3               “(1) TESTING REQUIREMENT ORDER.—

4                       “(A) PROTOCOLS AND METHODOLOGIES.—

5               In determining the protocols and methodologies  
6               to be included pursuant to subsection (b)(1) in  
7               an order under subsection (a)(5), the Adminis-  
8               trator shall allow for protocols and methodolo-  
9               gies that test chemical substances that are  
10              perfluoroalkyl and polyfluoroalkyl substances as  
11              a class.

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

18                      “(2) EXEMPTIONS.—Notwithstanding sub-  
19              section (c)(2)(A), the Administrator may only make  
20              a determination under subsection (c)(2)(B) that sub-  
21              mission of information on a chemical substance that  
22              is a perfluoroalkyl or polyfluoroalkyl substance re-  
23              quired by an order under subsection (a)(5) would be  
24              duplicative of information that has been submitted  
25              to the Administrator in accordance with such order,

1 or which is being developed pursuant to such order,  
2 if the information concerns the chemical substance  
3 with the same specific chemical identity as the chem-  
4 ical substance for which the application for an ex-  
5 emption is submitted.”.

6 **SEC. 3. REPORTING AND RETENTION OF INFORMATION.**

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

10 “(7) PERFLUOROALKYL AND  
11 POLYFLUOROALKYL SUBSTANCES.—

12 “(A) SUBMISSION OF INFORMATION.—Not-  
13 withstanding any other requirement of law, not  
14 later than 60 days after the date of enactment  
15 of this paragraph, each person who manufac-  
16 tures or processes a chemical substance that is  
17 a perfluoroalkyl or polyfluoroalkyl substance  
18 shall submit to the Administrator—

19 “(i) all records of significant adverse  
20 reactions to health or the environment al-  
21 leged to have been caused by such chemical  
22 substances; and

23 “(ii) all health and safety studies re-  
24 lated to such chemical substances of which  
25 the person is aware.

1           “(B) AVAILABILITY.—Not later than 4  
2           months after the date of enactment of this  
3           paragraph, the Administrator shall make stud-  
4           ies submitted under subparagraph (A)(ii) avail-  
5           able to the public.”.

○