

116TH CONGRESS
2D SESSION

H. R. 7687

To protect firefighters from exposure to per- and polyfluoroalkyl substances, to establish a presumption of service connection for certain veterans exposed to such substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2020

Mr. KILDEE (for himself, Mr. MCGOVERN, and Ms. SLOTKIN) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Science, Space, and Technology, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect firefighters from exposure to per- and polyfluoroalkyl substances, to establish a presumption of service connection for certain veterans exposed to such substances, 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 “Protecting Firefighters
5 from PFAS Act”.

1 **SEC. 2. PFAS AT FIRE TRAINING FACILITIES.**

2 Section 203(e)(1)(B) of the Robert T. Stafford Dis-
3 aster Relief and Emergency Assistance Act (42 U.S.C.
4 5133(e)(1)(B)) is amended—

5 (1) in clause (iii), by striking “or”;

6 (2) in clause (iv), by striking the period at the
7 end and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(v) to remediate per- and polyfluoro-
10 alkyl substances at fire training facilities.”.

11 **SEC. 3. GUARANTEEING EQUIPMENT SAFETY FOR FIRE-**
12 **FIGHTERS.**

13 (a) NATIONAL INSTITUTE OF STANDARDS AND
14 TECHNOLOGY STUDY ON PER- AND POLYFLUOROALKYL
15 SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT
16 WORN BY FIREFIGHTERS.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, the Director
19 of the National Institute of Standards and Tech-
20 nology shall, in consultation with the Director of the
21 National Institute for Occupational Safety and
22 Health, commence a study of the contents and com-
23 position of new and unused personal protective
24 equipment worn by firefighters.

25 (2) CONTENTS OF STUDY.—In carrying out the
26 study required by paragraph (1), the Director of the

1 National Institute of Standards and Technology
2 shall examine—

3 (A) the identity, prevalence, and concentra-
4 tion of per- and polyfluoroalkyl substances
5 (commonly known as “PFAS”) in the personal
6 protective equipment worn by firefighters;

7 (B) the conditions and extent to which per-
8 and polyfluoroalkyl substances are released into
9 the environment over time from the degradation
10 of personal protective equipment from normal
11 use by firefighters; and

12 (C) the relative risk of exposure to per-
13 and polyfluoroalkyl substances faced by fire-
14 fighters from—

15 (i) their use of personal protective
16 equipment; and

17 (ii) degradation of personal protective
18 equipment from normal use by firefighters.

19 (3) REPORT.—Not later than 1 year after the
20 date of the enactment of this Act, the Director shall
21 submit to Congress a report describing—

22 (A) the findings of the Director with re-
23 spect to the study carried out under paragraph
24 (1); and

1 (B) recommendations on what additional
2 research or technical improvements to personal
3 protective equipment materials or components
4 should be pursued to avoid unnecessary occupa-
5 tional exposure among firefighters to per- and
6 polyfluoroalkyl substances through personal
7 protective equipment.

8 (b) RESEARCH ON PER- AND POLYFLUOROALKYL
9 SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT
10 WORN BY FIREFIGHTERS.—

11 (1) IN GENERAL.—Not later than 540 days
12 after the date of the enactment of this Act, the Di-
13 rector of the National Institute of Standards and
14 Technology shall—

15 (A) issue a solicitation for research pro-
16 posals to carry out the research recommenda-
17 tions identified in the report submitted under
18 subsection (a)(3); and

19 (B) award grants to applicants that submit
20 research proposals to develop safe alternatives
21 to per- and polyfluoroalkyl substances in per-
22 sonal protective equipment.

23 (2) CRITERIA.—The Director shall select re-
24 search proposals to receive a grant under paragraph
25 (1) on the basis of merit, using criteria identified by

1 the Director, including the likelihood that the re-
2 search results will address the findings of the Direc-
3 tor with respect to the study conducted under sub-
4 section (a)(1).

5 (3) ELIGIBLE ENTITIES.—Any entity or group
6 of two or more entities may submit to the Director
7 a research proposal in response to the solicitation for
8 research proposals under paragraph (1), including—

9 (A) State and local agencies;

10 (B) public institutions, including public in-
11 stitutions of higher education;

12 (C) private corporations; and

13 (D) nonprofit organizations.

14 (4) AUTHORIZATION OF APPROPRIATIONS.—

15 There is authorized to be appropriated to the Direc-
16 tor to carry out this subsection up to \$5,000,000 for
17 each of the 3 fiscal years beginning with the first
18 full fiscal year following the date of enactment of
19 this Act.

20 (c) AUTHORITY FOR DIRECTOR OF THE NATIONAL
21 INSTITUTE OF STANDARDS AND TECHNOLOGY TO CON-
22 SULT WITH EXPERTS ON MATTERS RELATING TO PER-
23 AND POLYFLUOROALKYL SUBSTANCES.—In carrying out
24 this section, the Director of the National Institute of
25 Standards and Technology may consult with Federal

1 agencies, nongovernmental organizations, State and local
2 governments, and science and research institutions deter-
3 mined by the Director to have scientific or material inter-
4 est in reducing unnecessary occupational exposure to per-
5 and polyfluoroalkyl substances by firefighters.

6 **SEC. 4. HOSPITAL CARE AND MEDICAL SERVICES FOR VET-**
7 **ERANS AND DEPENDENTS EXPOSED TO PER-**
8 **FLUOROCTANOIC ACID AND OTHER PER-**
9 **AND POLYFLUOROALKYL SUBSTANCES.**

10 (a) HOSPITAL CARE AND MEDICAL SERVICES FOR
11 VETERANS.—

12 (1) IN GENERAL.—Paragraph (1) of section
13 1710(e) of title 38, United States Code, is amended
14 by adding at the end the following new subpara-
15 graph:

16 “(G)(i) Beginning on the date that is 90
17 days after the date of the enactment of this
18 subparagraph, subject to paragraph (2), a vet-
19 eran who served on active duty in the Armed
20 Forces at a covered military installation at
21 which individuals were exposed to substances
22 specified in clause (ii) is eligible for hospital
23 care and medical services under subsection
24 (a)(2)(F) for the diseases, illnesses, or condi-
25 tions as specified in such clause, notwith-

1 standing that there is insufficient medical evi-
2 dence to conclude that such illness or condition
3 is attributable to such service.

4 “(ii) The substances and diseases, ill-
5 nesses, or conditions specified in this clause are
6 the following:

7 “(I) With respect to exposure to per-
8 fluorooctanoic acid—

9 “(aa) diagnosed high cholesterol;

10 “(bb) ulcerative colitis;

11 “(cc) thyroid disease;

12 “(dd) testicular cancer;

13 “(ee) kidney cancer; and

14 “(ff) pregnancy-induced hyper-
15 tension.

16 “(II) With respect to exposure to
17 other per- and polyfluoroalkyl substances,
18 any disease, illness, or condition that the
19 Secretary of Veterans Affairs, in consulta-
20 tion with the Administrator of the Agency
21 for Toxic Substances and Disease Registry
22 of the Department of Health and Human
23 Services, determines pursuant to the study
24 conducted under section 316 of the Na-
25 tional Defense Authorization Act for Fiscal

1 Year 2018 (Public Law 115–91) that a
2 positive association exists between exposure
3 to per- and polyfluoroalkyl substances and
4 such disease, illness, or condition.

5 “(iii) For purposes of this subparagraph—

6 “(I) any service by a veteran as a
7 member of the reserve components for a
8 period specified by the Secretary at a cov-
9 ered military installation at which individ-
10 uals were exposed, or suspected to be ex-
11 posed, to substances specified in clause (ii)
12 shall be treated as active duty service, not-
13 withstanding section 101(21) of this title;
14 and

15 “(II) any service by a veteran as a ci-
16 vilian firefighter for a period specified by
17 the Secretary at a covered military instal-
18 lation at which individuals were exposed,
19 or suspected to be exposed, to substances
20 specified in clause (ii) shall be treated as
21 active duty service at such installation, re-
22 gardless of whether such service occurs
23 after the date on which the veteran was
24 discharged or released from the Armed

1 Forces, notwithstanding section 101(21) of
2 this title.

3 “(iv) In this subparagraph, the term ‘cov-
4 ered military installation’ means a military in-
5 stallation at which individuals were exposed to
6 perfluorooctanoic acid or other per- and
7 polyfluoroalkyl substances, including exposure
8 through a well that provides water for human
9 consumption that is contaminated with such
10 substances.”.

11 (2) LIMITATION.—Paragraph (2)(B) of such
12 section is amended by striking “or (F)” and insert-
13 ing “(F), or (G)”.

14 (b) CIVILIAN FIREFIGHTERS AND FAMILY MEMBERS
15 OF VETERANS.—

16 (1) IN GENERAL.—Subchapter VIII of chapter
17 17 is amended by adding at the end the following
18 new section:

19 **“§ 1787A. Health care of civilian firefighters and fam-
20 ily members of veterans stationed at cer-
21 tain military installations**

22 “(a) IN GENERAL.—(1) Beginning on the date that
23 is 90 days after the date of the enactment of this section,
24 subject to subsection (b), an individual described in para-
25 graph (2) shall be eligible for hospital care and medical

1 services furnished by the Secretary for any disease, illness,
2 or condition for which a veteran may receive hospital care
3 and medical services under section 1710(e)(1)(G)(ii) of
4 this title, notwithstanding that there is insufficient med-
5 ical evidence to conclude that such disease, illness, or con-
6 dition is proximately caused, as the case may be, by—

7 “(A) the location of the residence as specified
8 in paragraph (2)(A); or

9 “(B) the nature of the service as a firefighter
10 as specified in paragraph (2)(B).

11 “(2) An individual described in this paragraph is any
12 of the following:

13 “(A) A family member of a veteran described in
14 clause (i) of section 1710(e)(1)(G) of this title (or
15 who would be so described but for the condition by
16 which the individual was discharged or released from
17 the Armed Forces) who resided at a military instal-
18 lation covered by such clause or who was in utero
19 while the mother of such family member resided at
20 such location.

21 “(B) An employee of the Federal Government
22 who—

23 “(i) served as a civilian firefighter at such
24 a military installation; and

1 “(ii) is not covered by such section
2 1710(e)(1)(G).

3 “(b) LIMITATIONS.—(1) The Secretary may only fur-
4 nish hospital care and medical services under subsection
5 (a) to the extent and in the amount provided in advance
6 in appropriations Acts for such purpose.

7 “(2) Hospital care and medical services may not be
8 furnished under subsection (a) for a disease, illness, or
9 condition of an individual that is found, in accordance with
10 guidelines issued by the Under Secretary for Health, to
11 have resulted from a cause other than the residence or
12 employment of the individual as specified in that sub-
13 section.

14 “(3) The Secretary may provide reimbursement for
15 hospital care or medical services provided to an individual
16 under this section only after the individual or the provider
17 of such care or services has exhausted without success all
18 claims and remedies reasonably available to the individual
19 or provider against a third party (as defined in section
20 1725(f) of this title) for payment of such care or services,
21 including with respect to health-plan contracts (as defined
22 in such section).”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 1787
2 the following new item:

“1787A. Health care of civilian firefighters and family members of veterans stationed at certain military installations.”.

3 (c) ANNUAL REPORTS.—

4 (1) IN GENERAL.—During the three-year period
5 beginning in the year in which the study conducted
6 under section 316 of the National Defense Author-
7 ization Act for Fiscal Year 2018 (Public Law 115–
8 91) is submitted to Congress, the Secretary of Vet-
9 erans Affairs shall submit to the Committee on Vet-
10 erans’ Affairs of the Senate and the Committee on
11 Veterans’ Affairs of the House of Representatives an
12 annual report on the care and services provided
13 under sections 1710(e)(1)(G) and 1787A of title 38,
14 United States Code (as added by subsections (a) and
15 (b)(1), respectively).

16 (2) ELEMENTS.—Each report under paragraph
17 (1) shall set forth the following:

18 (A) The number of veterans, civilian fire-
19 fighters, and family members provided hospital
20 care and medical services under the provisions
21 of law specified in paragraph (1) during the pe-
22 riod covered by the report.

23 (B) The illnesses, conditions, and disabil-
24 ities for which care and services have been pro-

1 vided such veterans, civilian firefighters, and
2 family members under such provisions of law
3 during that period.

4 (C) The number of veterans, civilian fire-
5 fighters, and family members who applied for
6 care and services under such provisions of law
7 during that period but were denied, including
8 information on the reasons for such denials.

9 (D) The number of veterans, civilian fire-
10 fighters, and family members who applied for
11 care and services under such provisions of law
12 and are awaiting a decision from the Secretary
13 on eligibility for such care and services as of
14 the date of such report.

15 (3) VETERAN DEFINED.—In this subsection,
16 the term “veteran” includes a former member of the
17 reserve components of the Armed Forces covered by
18 such section 1710(e)(1)(G).

19 **SEC. 5. PRESUMPTION OF SERVICE CONNECTION FOR CER-**
20 **TAIN VETERANS EXPOSED TO PERFLUORO-**
21 **OCTANOIC ACID OR OTHER PER- AND POLY-**
22 **FLUOROALKYL SUBSTANCES.**

23 (a) IN GENERAL.—Chapter 11 of title 38, United
24 States Code, is amended by inserting after section 1116
25 the following new section:

1 **“§ 1116A. Presumption of service connection for cer-**
2 **tain veterans exposed to perfluorooctano-**
3 **ic acid or other per- and polyfluoroalkyl**
4 **substances**

5 “(a) PRESUMPTION OF SERVICE CONNECTION.—(1)
6 For the purposes of section 1110 of this title, and subject
7 to section 1113 of this title, each disease or illness speci-
8 fied in subsection (b) that becomes manifest in a veteran
9 described in paragraph (2) shall be considered to have
10 been incurred or aggravated in the line of duty in the ac-
11 tive military, naval, or air service, notwithstanding that
12 there is no record of evidence of such disease or illness
13 during the period of such service.

14 “(2) A veteran described in this paragraph is a vet-
15 eran who, during active military, naval, or air service,
16 served at a military installation at which individuals were
17 exposed to perfluorooctanoic acid or other per- and
18 polyfluoroalkyl substances, including exposure through a
19 well that provides water for human consumption that is
20 contaminated with such substances.

21 “(b) DISEASES OR ILLNESSES.—A disease or illness
22 specified in this subsection is any of the following:

23 “(1) With respect to exposure to perfluoroocta-
24 noic acid—

25 “(A) diagnosed high cholesterol;

26 “(B) ulcerative colitis;

1 “(C) thyroid disease;
2 “(D) testicular cancer;
3 “(E) kidney cancer; and
4 “(F) pregnancy-induced hypertension.

5 “(2) With respect to exposure to other per- and
6 polyfluoroalkyl substances, any other disease, illness,
7 or condition that the Secretary of Veterans Affairs,
8 in consultation with the Administrator of the Agency
9 for Toxic Substances and Disease Registry of the
10 Department of Health and Human Services, deter-
11 mines pursuant to the study conducted under section
12 316 of the National Defense Authorization Act for
13 Fiscal Year 2018 (Public Law 115–91) that a posi-
14 tive association exists between exposure to per- and
15 polyfluoroalkyl substances and such disease or ill-
16 ness.

17 “(c) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—
18 For purposes of this section, any service by a member of
19 the reserve components for a period specified by the Sec-
20 retary at a military installation described in subsection
21 (a)(2) shall be treated as active military, naval, or air serv-
22 ice, notwithstanding section 101(24) of this title.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by inserting

- 1 after the item relating to section 1116 the following new
- 2 item:

“1116A. Presumption of service connection for certain veterans exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances.”.

