

Calendar No. 55

117TH CONGRESS
1ST SESSION

S. 231

[Report No. 117–21]

To direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Mr. PETERS (for himself, Mr. SULLIVAN, Ms. HASSAN, Mr. TILLIS, Mr. CARPER, Ms. MURKOWSKI, Ms. COLLINS, Ms. SINEMA, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

MAY 10, 2021

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, 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 Adverse Substances Act” or the “PFAS Act”.

6 **SEC. 2. GUIDANCE ON HOW TO PREVENT EXPOSURE TO**
 7 **AND RELEASE OF PFAS.**

8 (a) IN GENERAL.—Not later than 180 days after the
 9 date of enactment of this Act, the Administrator of the
 10 Federal Emergency Management Agency, in consultation
 11 with the Administrator of the United States Fire Adminis-
 12 tration, the Administrator of the Environmental Protec-
 13 tion Agency, the Director of the National Institute for Oc-
 14 cupational Safety and Health, and the heads of any other
 15 relevant agencies, shall—

16 (1) develop and publish guidance for firefighters
 17 and other emergency response personnel on training,
 18 education programs, and best practices to—

19 (A) reduce the exposure to per- and
 20 polyfluoroalkyl substances (commonly referred
 21 to as “PFAS”) from firefighting foam and per-
 22 sonal protective equipment; and

23 (B) limit or prevent the release of PFAS
 24 from firefighting foam into the environment;

1 (2) develop and issue guidance to firefighters
2 and other emergency response personnel on alter-
3 native foams, personal protective equipment, and
4 other firefighting tools and equipment that do not
5 contain PFAS; and

6 (3) create an online public repository, which
7 shall be updated on a regular basis, on tools and
8 best practices for firefighters and other emergency
9 response personnel to reduce, limit, and prevent the
10 release of and exposure to PFAS.

11 (b) REQUIRED CONSULTATION.—In developing the
12 guidance required under subsection (a), the Administrator
13 of the Federal Emergency Management Agency shall con-
14 sult with appropriate interested entities, including—

15 (1) firefighters and other emergency response
16 personnel, including national fire service and emer-
17 gency response organizations;

18 (2) impacted communities dealing with PFAS
19 contamination;

20 (3) scientists, including public and occupational
21 health and safety experts, who are studying PFAS
22 and PFAS alternatives in firefighting foam;

23 (4) voluntary standards organizations engaged
24 in developing standards for firefighter and fire-
25 fighting equipment;

1 (5) State fire training academies;

2 (6) State fire marshals;

3 (7) manufacturers of firefighting tools and
4 equipment; and

5 (8) any other relevant entities, as determined
6 by the Administrator of the Federal Emergency
7 Management Agency and the Administrator of the
8 United States Fire Administration.

9 (c) REVIEW OF GUIDANCE.—Not later than 3 years
10 after the date on which the guidance required under sub-
11 section (a) is issued, and not less frequently than once
12 every 2 years thereafter, the Administrator of the Federal
13 Emergency Management Agency, in consultation with the
14 Administrator of the United States Fire Administration,
15 the Administrator of the Environmental Protection Agen-
16 cy, and the Director of the National Institute for Occupa-
17 tional Safety and Health, shall review the guidance and,
18 as appropriate, issue updates to the guidance.

19 (d) APPLICABILITY OF FACA.—The Federal Advi-
20 sory Committee Act (5 U.S.C. App.) shall not apply to
21 this Act.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Protecting Firefighters*
24 *from Adverse Substances Act” or the “PFAS Act”.*

1 **SEC. 2. GUIDANCE ON HOW TO PREVENT EXPOSURE TO**
2 **AND RELEASE OF PFAS.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of this Act, the Administrator of the Fed-
5 eral Emergency Management Agency, in consultation with
6 the Administrator of the United States Fire Administra-
7 tion, the Administrator of the Environmental Protection
8 Agency, the Director of the National Institute for Occupa-
9 tional Safety and Health, and the heads of any other rel-
10 evant agencies, shall—

11 (1) *develop and publish guidance for firefighters*
12 *and other emergency response personnel on training,*
13 *education programs, and best practices to—*

14 (A) *reduce and eliminate exposure to per-*
15 *and polyfluoroalkyl substances (commonly re-*
16 *ferred to as “PFAS”) from firefighting foam and*
17 *personal protective equipment; and*

18 (B) *prevent the release of PFAS from fire-*
19 *fighting foam into the environment;*

20 (2) *develop and issue guidance for firefighters*
21 *and other emergency response personnel on foams and*
22 *non-foam alternatives, personal protective equipment,*
23 *and other firefighting tools and equipment that do not*
24 *contain PFAS; and*

25 (3) *create an online public repository, which*
26 *shall be updated on a regular basis, on tools and best*

1 *practices for firefighters and other emergency response*
2 *personnel to reduce, limit, and prevent the release of*
3 *and exposure to PFAS.*

4 *(b) REQUIRED CONSULTATION.—In developing the*
5 *guidance required under subsection (a), the Administrator*
6 *of the Federal Emergency Management Agency shall consult*
7 *with appropriate interested entities, including—*

8 *(1) firefighters and other emergency response*
9 *personnel, including national fire service and emer-*
10 *gency response organizations;*

11 *(2) impacted communities dealing with PFAS*
12 *contamination;*

13 *(3) scientists, including public and occupational*
14 *health and safety experts, who are studying PFAS*
15 *and PFAS alternatives in firefighting foam;*

16 *(4) voluntary standards organizations engaged*
17 *in developing standards for firefighter and fire-*
18 *fighting equipment;*

19 *(5) State fire training academies;*

20 *(6) State fire marshals;*

21 *(7) manufacturers of firefighting tools and*
22 *equipment; and*

23 *(8) any other relevant entities, as determined by*
24 *the Administrator of the Federal Emergency Manage-*

1 *ment Agency and the Administrator of the United*
2 *States Fire Administration.*

3 (c) *REVIEW OF GUIDANCE.*—*Not later than 3 years*
4 *after the date on which the guidance required under sub-*
5 *section (a) is issued, and not less frequently than once every*
6 *2 years thereafter, the Administrator of the Federal Emer-*
7 *gency Management Agency, in consultation with the Ad-*
8 *ministrator of the United States Fire Administration, the*
9 *Administrator of the Environmental Protection Agency,*
10 *and the Director of the National Institute for Occupational*
11 *Safety and Health, shall review the guidance and, as appro-*
12 *priate, issue updates to the guidance.*

13 (d) *APPLICABILITY OF FACA.*—*The Federal Advisory*
14 *Committee Act (5 U.S.C. App.) shall not apply to this Act.*

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May 10, 2021

Reported with an amendment