

117TH CONGRESS
2D SESSION

S. 5070

To authorize the Secretary of Agriculture to provide grants to States to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2022

Mr. KING (for Ms. COLLINS (for herself and Mr. KING)) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To authorize the Secretary of Agriculture to provide grants to States to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, 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 “Relief for Farmers Hit
5 with PFAS Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AGRICULTURAL LAND.—

1 (A) IN GENERAL.—The term “agricultural
2 land” means any land that is used, or capable
3 of use without substantial modification, for pro-
4 duction of farm products.

5 (B) INCLUSION.—The term “agricultural
6 land” includes irrigation water and ground-
7 water on or associated with land described in
8 subparagraph (A).

9 (2) COMMERCIAL FARM.—The term “commer-
10 cial farm” means a farm on which a person pro-
11 duces any farm product with the intent that the
12 farm product be sold or otherwise disposed of to
13 generate income.

14 (3) FARM PRODUCT.—

15 (A) IN GENERAL.—The term “farm prod-
16 uct” means any plant or animal that is useful
17 to humans.

18 (B) INCLUSIONS.—The term “farm prod-
19 uct” includes—

- 20 (i) forages;
- 21 (ii) sod crops;
- 22 (iii) grains;
- 23 (iv) food crops;
- 24 (v) dairy products;
- 25 (vi) poultry and poultry products;

- 1 (vii) bees;
2 (viii) livestock and livestock products;
3 (ix) fruits;
4 (x) berries;
5 (xi) vegetables;
6 (xii) flowers;
7 (xiii) seeds;
8 (xiv) grasses;
9 (xv) Christmas trees; and
10 (xvi) other similar products.

11 (4) PFAS.—The term “PFAS” means any
12 member of the class of fluorinated organic chemicals
13 containing at least 1 fully fluorinated carbon atom.

14 (5) PROGRAM.—The term “program” means
15 the program established under section 3(a).

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture.

18 (7) SEPTAGE.—The term “septage” means
19 waste, refuse, effluent, sludge, and any other mate-
20 rials from septic tanks, cesspools, or any other simi-
21 lar facilities.

22 (8) SLUDGE.—The term “sludge” means—
23 (A) nonhazardous solid, semisolid, or liquid
24 waste generated from a municipal, commercial,
25 or industrial—

- 1 (i) wastewater treatment plant;
2 (ii) water supply treatment plant; or
3 (iii) wet process air pollution control
4 facility; and
5 (B) any other waste having similar charac-
6 teristics and effect.

7 **SEC. 3. ESTABLISHMENT.**

8 (a) IN GENERAL.—The Secretary shall establish a
9 program under which the Secretary shall provide grants
10 to States for the purposes described in section 4.

11 (b) ELIGIBILITY.—To be eligible to receive a grant
12 under the program, a State shall contain—

13 (1) agricultural land that contains any soil with
14 levels above 0.3 parts per billion of PFAS; or

15 (2) water used for the production of farm prod-
16 ucts that is above the less stringent of—

17 (A) the most recent advisory level for
18 PFAS established by the Administrator of the
19 Environmental Protection Agency pursuant to
20 section 1412(b)(1)(F) of the Safe Drinking
21 Water Act (42 U.S.C. 300g–1(b)(1)(F)); and

22 (B) the most recent advisory level for
23 PFAS established by that State, if applicable.

24 (c) APPLICATIONS.—

1 (1) IN GENERAL.—To receive a grant under the
2 program, the department of agriculture or similar
3 agency of a State shall submit to the Secretary an
4 application at such time, in such manner, and con-
5 taining such information as the Secretary may re-
6 quire.

7 (2) SPEND PLAN.—An application submitted
8 under paragraph (1) shall contain a plan describing
9 how the State will administer the funding received
10 under the program, including funding priorities and
11 oversight.

12 (d) SET-ASIDE.—The Secretary shall provide not less
13 than 30 percent of the total amount of grants provided
14 under the program to 1 or more States with a population
15 of less than 3,000,000.

16 **SEC. 4. PURPOSES.**

17 A State may use a grant received under the program
18 to provide funding for any of the following purposes:

19 (1) Monitoring the health of a person, and
20 members of the household of that person, whose ag-
21 ricultural land is found to be contaminated by
22 PFAS, including blood serum testing.

23 (2) Providing medical care to a person who—
24 (A) works or lives on—

1 (i) agricultural land that is found to
2 be contaminated by PFAS; or

3 (ii) land adjacent to land described in
4 clause (i); or

5 (B) is found to have—

6 (i) blood levels of PFAS greater than
7 the general population of the United
8 States; or

9 (ii) health effects associated with ex-
10 posure to PFAS.

11 (3) Relocating—

12 (A) agricultural land that is found to be
13 contaminated by PFAS; or

14 (B) a commercial farm any agricultural
15 land of which is found to be contaminated by
16 PFAS.

17 (4) Buying, selling, or providing compensation
18 for agricultural land or farm products found to be
19 contaminated by PFAS, including costs associated
20 with the depopulation or disposal of farm products,
21 premortem or postmortem.

22 (5) Investing in equipment, facilities, and infra-
23 structure to ensure that agricultural land that, or a
24 commercial farm any agricultural land of which, is
25 found to be contaminated by PFAS maintains prof-

1 itability while the producers on the agricultural land
2 or commercial farm, in response to the PFAS con-
3 tamination—

4 (A) transition to an alternative cropping
5 system; or

6 (B) implement remediation strategies (in-
7 cluding disposal), technological adaptations,
8 solar energy development, or other modifica-
9 tions to the operations of the agricultural land
10 or commercial farm.

11 (6) Assisting the producers on agricultural land
12 that, or a commercial farm any agricultural land of
13 which, is found to be contaminated by PFAS in de-
14 veloping an enterprise budget for—

15 (A) alternative cropping systems;

16 (B) remediation strategies;

17 (C) technological adaptations; or

18 (D) transitioning to an alternative revenue
19 stream, including a land-use system that com-
20 bines agricultural use of the land with solar en-
21 ergy production.

22 (7) Providing financial assistance to a person
23 the commercial farm of which is found to be con-
24 taminated by PFAS, including income replacement
25 and mortgage payments.

1 (8) Evaluating and expanding the capacity of
2 PFAS testing and data management in the State.

3 (9) Conducting research that—

4 (A) supports short-term farm management
5 decisions with respect to agricultural land that
6 has been contaminated by PFAS; and

7 (B) assesses future options for viable uses
8 of agricultural land that has been contaminated
9 by PFAS.

10 (10) Conducting research that quantifies the
11 impact of PFAS on commercial farms and agricul-
12 tural communities in the State.

13 (11) Conducting research on—

14 (A) soil and water remediation systems;
15 and

16 (B) the viability of those systems for com-
17 mercial farms.

18 (12) Conducting research on—

19 (A) implementing alternative cropping sys-
20 tems in response to PFAS contamination;

21 (B) the PFAS uptake of various crops;

22 (C) the use of livestock systems to mitigate
23 exposure to, and for remediation of, PFAS; and

24 (D) food safety criteria for food products
25 relating to PFAS contamination.

1 (13) Developing and implementing educational
2 programs for owners of agricultural land, including
3 determining best practices for—

4 (A) informing residents about the potential
5 of being near or on a site on which sludge or
6 septage application was licensed or permitted by
7 the State or the Federal Government; and

8 (B) providing information and guidance on
9 buying or selling agricultural land on which
10 sludge or septage was applied.

11 (14) Long-term monitoring of agricultural land
12 sites contaminated by PFAS and establishing a cor-
13 responding centralized data repository.

14 (15) Assisting commercial farms and other per-
15 sons in the agricultural sector not directly affected
16 by PFAS contamination with marketing efforts
17 whose branding and marketing may be affected by
18 the public perception of PFAS contamination in the
19 State.

20 (16) Regional planning with other States and
21 the Federal Government to protect the food supply
22 and farmers in the State from out-of-State PFAS
23 contamination.

1 (17) Testing of farm products, agricultural
2 land, or other locations that are suspected to be con-
3 taminated with PFAS.

4 **SEC. 5. REPORTS.**

5 Not later than March 31 following each year of the
6 period of a grant received under the program, the depart-
7 ment of agriculture or similar agency of a State shall sub-
8 mit to the Secretary a report describing—

9 (1) the uses of the grant during the previous
10 year, including—

11 (A) the purposes described in section 4 for
12 which the grant was used;

13 (B) the amount of the grant allocated to
14 each purpose described in section 4; and

15 (C) the extent to which the funding re-
16 ceived under the program, including funding
17 priorities and oversight, was administered in ac-
18 cordance with the plan described in section
19 3(e)(2); and

20 (2) any additional needs identified by agricul-
21 tural producers in the State.

22 **SEC. 6. TASK FORCE.**

23 The Secretary shall establish a task force composed
24 of officers or employees of the Department of Agri-
25 culture—

1 (1) to provide advice to the Secretary relating
2 to whether addressing PFAS contamination should
3 be added as an eligible activity under each program
4 of the Department of Agriculture; and

5 (2) to provide technical assistance to States in
6 addressing PFAS contamination.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to the Sec-
9 retary to carry out this Act \$500,000,000 for the period
10 of fiscal years 2023 through 2027.

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