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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Relief for Farmers Hit with PFAS Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) Agricultural land.—
(A) IN GENERAL.—The term “agricultural land” means any land that is used, or capable of use without substantial modification, for production of farm products.

(B) INCLUSION.—The term “agricultural land” includes irrigation water and groundwater on or associated with land described in subparagraph (A).

(2) COMMERCIAL FARM.—The term “commercial farm” means a farm on which a person produces any farm product with the intent that the farm product be sold or otherwise disposed of to generate income.

(3) FARM PRODUCT.—

(A) IN GENERAL.—The term “farm product” means any plant or animal that is useful to humans.

(B) INCLUSIONS.—The term “farm product” includes—

(i) forages;

(ii) sod crops;

(iii) grains;

(iv) food crops;

(v) dairy products;

(vi) poultry and poultry products;
(vii) bees;
(viii) livestock and livestock products;
(ix) fruits;
(x) berries;
(xi) vegetables;
(xii) flowers;
(xiii) seeds;
(xiv) grasses;
(xv) Christmas trees; and
(xvi) other similar products.

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

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

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

(7) SEPTAGE.—The term “septage” means waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities.

(8) SLUDGE.—The term “sludge” means—

(A) nonhazardous solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial—
(i) wastewater treatment plant;
(ii) water supply treatment plant; or
(iii) wet process air pollution control facility; and
(B) any other waste having similar characteristics and effect.

SEC. 3. ESTABLISHMENT.

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

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

(1) agricultural land that contains any soil with levels above 0.3 parts per billion of PFAS; or
(2) water used for the production of farm products that is above the less stringent of—

(A) the most recent advisory level for PFAS established by the Administrator of the Environmental Protection Agency pursuant to section 1412(b)(1)(F) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(1)(F)); and
(B) the most recent advisory level for PFAS established by that State, if applicable.

(c) APPLICATIONS.—
(1) IN GENERAL.—To receive a grant under the program, the department of agriculture or similar agency of a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

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

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

SEC. 4. PURPOSES.

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

(1) Monitoring the health of a person, and members of the household of that person, whose agricultural land is found to be contaminated by PFAS, including blood serum testing.

(2) Providing medical care to a person who—

(A) works or lives on—
(i) agricultural land that is found to be contaminated by PFAS; or

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

(B) is found to have—

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

(ii) health effects associated with exposure to PFAS.

(3) Relocating—

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

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

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

(5) Investing in equipment, facilities, and infrastructure to ensure that agricultural land that, or a commercial farm any agricultural land of which, is found to be contaminated by PFAS maintains prof-
iability while the producers on the agricultural land or commercial farm, in response to the PFAS contamination—

(A) transition to an alternative cropping system; or

(B) implement remediation strategies (including disposal), technological adaptations, solar energy development, or other modifications to the operations of the agricultural land or commercial farm.

(6) Assisting the producers on agricultural land that, or a commercial farm any agricultural land of which, is found to be contaminated by PFAS in developing an enterprise budget for—

(A) alternative cropping systems;

(B) remediation strategies;

(C) technological adaptations; or

(D) transitioning to an alternative revenue stream, including a land-use system that combines agricultural use of the land with solar energy production.

(7) Providing financial assistance to a person the commercial farm of which is found to be contaminated by PFAS, including income replacement and mortgage payments.
(8) Evaluating and expanding the capacity of PFAS testing and data management in the State.

(9) Conducting research that—

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

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

(10) Conducting research that quantifies the impact of PFAS on commercial farms and agricultural communities in the State.

(11) Conducting research on—

(A) soil and water remediation systems; and

(B) the viability of those systems for commercial farms.

(12) Conducting research on—

(A) implementing alternative cropping systems in response to PFAS contamination;

(B) the PFAS uptake of various crops;

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

(D) food safety criteria for food products relating to PFAS contamination.
(13) Developing and implementing educational programs for owners of agricultural land, including determining best practices for—

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

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

(14) Long-term monitoring of agricultural land sites contaminated by PFAS and establishing a corresponding centralized data repository.

(15) Assisting commercial farms and other persons in the agricultural sector not directly affected by PFAS contamination with marketing efforts whose branding and marketing may be affected by the public perception of PFAS contamination in the State.

(16) Regional planning with other States and the Federal Government to protect the food supply and farmers in the State from out-of-State PFAS contamination.
(17) Testing of farm products, agricultural land, or other locations that are suspected to be contaminated with PFAS.

SEC. 5. REPORTS.

Not later than March 31 following each year of the period of a grant received under the program, the department of agriculture or similar agency of a State shall submit to the Secretary a report describing—

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

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

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

(C) the extent to which the funding received under the program, including funding priorities and oversight, was administered in accordance with the plan described in section 3(c)(2); and

(2) any additional needs identified by agricultural producers in the State.

SEC. 6. TASK FORCE.

The Secretary shall establish a task force composed of officers or employees of the Department of Agriculture—
(1) to provide advice to the Secretary relating
to whether addressing PFAS contamination should
be added as an eligible activity under each program
of the Department of Agriculture; and

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

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

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