

chemicals described in subparagraphs (A) through (N) that is used to manufacture fluorinated polymers, as determined by the Administrator.

(3) Addition to toxics release inventory

Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets any one of the criteria described in section 11023(d)(2) of title 42, the Administrator shall revise the toxics release inventory in accordance with such section 11023(d) of title 42 to include that substance or class of substances not later than 2 years after the date on which the Administrator makes the determination.

(e) Confidential business information

(1) In general

Prior to including on the toxics release inventory pursuant to subsection (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances the chemical identity of which is subject to a claim of a person of protection from disclosure under subsection (a) of section 552 of title 5, pursuant to subsection (b)(4) of that section, the Administrator shall—

(A) review any such claim of protection from disclosure; and

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 2613(f) of this title.

(2) Nondisclosure of protection information

If the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances qualifies for protection from disclosure pursuant to paragraph (1), the Administrator shall include the substance or class of substances, as applicable, on the toxics release inventory in a manner that does not disclose the protected information.

(Pub. L. 116–92, div. F, title LXXIII, §7321, Dec. 20, 2019, 133 Stat. 2277.)

CODIFICATION

Section is comprised of section 7321 of Pub. L. 116–92. Subsec. (f) of section 7321 of Pub. L. 116–92 amended section 11023 of Title 42, The Public Health and Welfare.

SUBCHAPTER III—USGS PERFORMANCE STANDARD

§ 8931. Definitions

In this subchapter:

(1) Director

The term “Director” means the Director of the United States Geological Survey.

(2) Highly fluorinated compound

(A) In general

The term “highly fluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

(B) Definitions

In this paragraph:

(i) Fully fluorinated carbon atom

The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(ii) Perfluoroalkyl substance

The term “perfluoroalkyl substance” means a chemical of which all of the carbon atoms are fully fluorinated carbon atoms.

(iii) Polyfluoroalkyl substance

The term “polyfluoroalkyl substance” means a chemical containing at least one fully fluorinated carbon atom and at least one carbon atom that is not a fully fluorinated carbon atom.

(Pub. L. 116–92, div. F, title LXXIII, §7331, Dec. 20, 2019, 133 Stat. 2281.)

§ 8932. Performance standard for the detection of highly fluorinated compounds

(a) In general

The Director, in consultation with the Administrator, shall establish a performance standard for the detection of highly fluorinated compounds.

(b) Emphasis

(1) In general

In developing the performance standard under subsection (a), the Director shall emphasize the ability to detect as many highly fluorinated compounds present in the environment as possible using validated analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled “Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey” and dated 2002); and

(B) are as sensitive as is feasible and practicable.

(2) Requirement

In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and testing;

(B) develop a training program with respect to the appropriate method of sample collection and analysis of highly fluorinated compounds; and

(C) coordinate as necessary with the Administrator, including, if appropriate, to develop methods to detect individual and different highly fluorinated compounds simultaneously.

(Pub. L. 116–92, div. F, title LXXIII, §7332, Dec. 20, 2019, 133 Stat. 2282.)

§ 8933. Nationwide sampling

(a) In general

The Director shall carry out a nationwide sampling to determine the concentration of highly fluorinated compounds in estuaries,