

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The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.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, lakes, streams, springs, wells, wetlands, rivers, aquifers, and soil using the performance standard developed under section 8932(a) of this title.

(b) Requirements

In carrying out the sampling under subsection (a), the Director shall—

(1) first carry out the sampling at sources of drinking water near locations with known or suspected releases of highly fluorinated compounds;

(2) when carrying out sampling of sources of drinking water under paragraph (1), carry out the sampling prior to and, at the request of the Administrator, after any treatment of the water;

(3) survey for ecological exposure to highly fluorinated compounds, with a priority in determining direct human exposure through drinking water; and

(4) consult with—

(A) States to determine areas that are a priority for sampling; and

- (B) the Administrator—
- (i) to enhance coverage of the sampling; and
 - (ii) to avoid unnecessary duplication.

(c) Report

Not later than 120 days after the completion of the sampling under subsection (a), the Director shall prepare a report describing the results of the sampling and submit the report to—

- (1) the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate;
- (2) the Committee on Energy and Commerce and the Committee on Natural Resources of the House of Representatives;
- (3) the Senators of each State in which the Director carried out the sampling; and
- (4) each Member of the House of Representatives who represents a district in which the Director carried out the sampling.

(Pub. L. 116–92, div. F, title LXXIII, § 7333, Dec. 20, 2019, 133 Stat. 2282.)

§ 8934. Data usage

(a) In general

The Director shall provide the sampling data collected under section 8933 of this title to—

- (1) the Administrator; and
- (2) other Federal and State regulatory agencies on request.

(b) Usage

The sampling data provided under subsection (a) shall be used to inform and enhance assessments of exposure, likely health and environmental impacts, and remediation priorities.

(Pub. L. 116–92, div. F, title LXXIII, § 7334, Dec. 20, 2019, 133 Stat. 2283.)

§ 8935. Collaboration

In carrying out this subchapter, the Director shall collaborate with—

- (1) appropriate Federal and State regulators;
- (2) institutions of higher education;
- (3) research institutions; and
- (4) other expert stakeholders.

(Pub. L. 116–92, div. F, title LXXIII, § 7335, Dec. 20, 2019, 133 Stat. 2283.)

SUBCHAPTER IV—EMERGING
CONTAMINANTS

§ 8951. Definitions

In this subchapter:

(1) Contaminant

The term “contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

(2) Contaminant of emerging concern; emerging contaminant

The terms “contaminant of emerging concern” and “emerging contaminant” mean a contaminant—

- (A) for which the Administrator has not promulgated a national primary drinking water regulation; and
- (B) that may have an adverse effect on the health of individuals.

(3) Federal research strategy

The term “Federal research strategy” means the coordinated cross-agency plan for addressing critical research gaps related to detecting, assessing exposure to, and identifying the adverse health effects of emerging contaminants in drinking water developed by the Office of Science and Technology Policy in response to the report of the Committee on Appropriations of the Senate accompanying S. 1662 of the 115th Congress (S. Rept. 115–139).

(4) Technical assistance and support

The term “technical assistance and support” includes—

(A) assistance with—

- (i) identifying appropriate analytical methods for the detection of contaminants;
- (ii) understanding the strengths and limitations of the analytical methods described in clause (i);
- (iii) troubleshooting the analytical methods described in clause (i);

(B) providing advice on laboratory certification program elements;

(C) interpreting sample analysis results;

(D) providing training with respect to proper analytical techniques;

(E) identifying appropriate technology for the treatment of contaminants; and

(F) analyzing samples, if—

(i) the analysis cannot be otherwise¹ obtained in a practicable manner otherwise;¹ and

(ii) the capability and capacity to perform the analysis is available at a Federal facility.

(5) Working Group

The term “Working Group” means the Working Group established under section 8952(b)(1) of this title.

(Pub. L. 116–92, div. F, title LXXIII, § 7341, Dec. 20, 2019, 133 Stat. 2283.)

REFERENCES IN TEXT

S. 1662 of the 115th Congress, referred to in par. (3), is the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018, which became div. B of Pub. L. 115–141, Mar. 23, 2018, 132 Stat. 400. For complete classification of this Act to the Code, see Tables.

§ 8952. Research and coordination plan for enhanced response on emerging contaminants

(a) In general

The Administrator shall—

(1) review Federal efforts—

(A) to identify, monitor, and assist in the development of treatment methods for emerging contaminants; and

(B) to assist States in responding to the human health risks posed by contaminants of emerging concern; and

(2) in collaboration with owners and operators of public water systems, States, and other interested stakeholders, establish a strategic plan for improving the Federal efforts referred to in paragraph (1).

¹ So in original.