

(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.)

Editorial Notes

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).

(b) Interagency Working Group on emerging contaminants

(1) In general

Not later than 180 days after December 20, 2019, the Administrator and the Secretary of Health and Human Services shall jointly establish a Working Group to coordinate the activities of the Federal Government to identify and analyze the public health effects of drinking water contaminants of emerging concern.

(2) Membership

The Working Group shall include representatives of the following:

- (A) The Environmental Protection Agency, appointed by the Administrator.
- (B) The following agencies, appointed by the Secretary of Health and Human Services:
 - (i) The National Institutes of Health.
 - (ii) The Centers for Disease Control and Prevention.
 - (iii) The Agency for Toxic Substances and Disease Registry.
- (C) The United States Geological Survey, appointed by the Secretary of the Interior.

¹ So in original.

(D) Any other Federal agency the assistance of which the Administrator determines to be necessary to carry out this subsection, appointed by the head of the respective agency.

(3) Existing working group

The Administrator may expand or modify the duties of an existing working group to perform the duties of the Working Group under this subsection.

(c) National Emerging Contaminant Research Initiative

(1) Federal research strategy

(A) In general

Not later than 180 days after December 20, 2019, the Director of the Office of Science and Technology Policy (referred to in this subsection as the “Director”) shall coordinate with the heads of the agencies described in subparagraph (C) to establish a research initiative, to be known as the “National Emerging Contaminant Research Initiative”, that shall—

- (i) use the Federal research strategy to improve the identification, analysis, monitoring, and treatment methods of contaminants of emerging concern; and
- (ii) develop any necessary program, policy, or budget to support the implementation of the Federal research strategy, including mechanisms for joint agency review of research proposals, for interagency cofunding of research activities, and for information sharing across agencies.

(B) Research on emerging contaminants

In carrying out subparagraph (A), the Director shall—

- (i) take into consideration consensus conclusions from peer-reviewed, pertinent research on emerging contaminants; and
- (ii) in consultation with the Administrator, identify priority emerging contaminants for research emphasis.

(C) Federal participation

The agencies referred to in subparagraph (A) include—

- (i) the National Science Foundation;
- (ii) the National Institutes of Health;
- (iii) the Environmental Protection Agency;
- (iv) the National Institute of Standards and Technology;
- (v) the United States Geological Survey; and
- (vi) any other Federal agency that contributes to research in water quality, environmental exposures, and public health, as determined by the Director.

(D) Participation from additional entities

In carrying out subparagraph (A), the Director shall consult with nongovernmental organizations, State and local governments, and science and research institutions determined by the Director to have scientific or material interest in the National Emerging Contaminant Research Initiative.

(2) Implementation of research recommendations

(A) In general

Not later than 1 year after the date on which the Director and heads of the agencies described in paragraph (1)(C) establish the National Emerging Contaminant Research Initiative under paragraph (1)(A), the head of each agency described in paragraph (1)(C) shall—

- (i) issue a solicitation for research proposals consistent with the Federal research strategy and that agency’s mission; and
- (ii) make grants to applicants that submit research proposals consistent with the Federal research strategy and in accordance with subparagraph (B).

(B) Selection of research proposals

The head of each agency described in paragraph (1)(C) shall select research proposals to receive grants under this paragraph on the basis of merit, using criteria identified by the head of each such agency, including the likelihood that the proposed research will result in significant progress toward achieving the objectives identified in the Federal research strategy.

(C) Eligible entities

Any entity or group of 2 or more entities may submit to the head of each agency described in paragraph (1)(C) a research proposal in response to the solicitation for research proposals described in subparagraph (A)(i), including, consistent with that agency’s grant policies—

- (i) State and local agencies;
- (ii) public institutions, including public institutions of higher education;
- (iii) private corporations; and
- (iv) nonprofit organizations.

(d) Federal technical assistance and support for States

(1) Study

(A) In general

Not later than 1 year after December 20, 2019, the Administrator shall conduct a study on actions the Administrator can take to increase technical assistance and support for States with respect to emerging contaminants in drinking water samples.

(B) Contents of study

In carrying out the study described in subparagraph (A), the Administrator shall identify—

- (i) methods and effective treatment options to increase technical assistance and support with respect to emerging contaminants to States, including identifying opportunities for States to improve communication with various audiences about the risks associated with emerging contaminants;
- (ii) means to facilitate access to qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(iii) actions to be carried out at existing Federal laboratory facilities, including the research facilities of the Administrator, to provide technical assistance and support for States that require testing facilities for emerging contaminants.

(C) Availability of analytical resources

In carrying out the study described in subparagraph (A), the Administrator shall consider—

- (i) the availability of—
 - (I) Federal and non-Federal laboratory capacity; and
 - (II) validated methods to detect and analyze contaminants; and
- (ii) other factors determined to be appropriate by the Administrator.

(2) Report

Not later than 18 months after December 20, 2019, the Administrator shall submit to Congress a report describing the results of the study described in paragraph (1).

(3) Program to provide Federal assistance to States

(A) In general

Not later than 3 years after December 20, 2019, based on the findings in the report described in paragraph (2), the Administrator shall develop a program to provide technical assistance and support to eligible States for the testing and analysis of emerging contaminants.

(B) Application

(i) In general

To be eligible for technical assistance and support under this paragraph, a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(ii) Criteria

The Administrator shall evaluate an application for technical assistance and support under this paragraph on the basis of merit using criteria identified by the Administrator, including—

- (I) the laboratory facilities available to the State;
- (II) the availability and applicability of existing analytical methodologies;
- (III) the potency and severity of the emerging contaminant, if known; and
- (IV) the prevalence and magnitude of the emerging contaminant.

(iii) Prioritization

In selecting States to receive technical assistance and support under this paragraph, the Administrator—

- (I) shall give priority to States with affected areas primarily in financially distressed communities;
- (II) may—
 - (aa) waive the application process in an emergency situation; and
 - (bb) require an abbreviated application process for the continuation of

work specified in a previously approved application that continues to meet the criteria described in clause (i); and

(III) shall consider the relative expertise and availability of—

- (aa) Federal and non-Federal laboratory capacity available to the State;
- (bb) analytical resources available to the State; and
- (cc) other types of technical assistance available to the State.

(C) Database of available resources

The Administrator shall establish and maintain a database of resources available through the program developed under subparagraph (A) to assist States with testing for emerging contaminants that—

- (i) is—
 - (I) available to States and stakeholder groups determined by the Administrator to have scientific or material interest in emerging contaminants, including—
 - (aa) drinking water and wastewater utilities;
 - (bb) laboratories;
 - (cc) Federal and State emergency responders;
 - (dd) State primacy agencies;
 - (ee) public health agencies; and
 - (ff) water associations;
 - (II) searchable; and
 - (III) accessible through the website of the Administrator; and
- (ii) includes a description of—
 - (I) qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and
 - (II) the resources available in Federal laboratory facilities to test for emerging contaminants.

(D) Water contaminant information tool

The Administrator shall integrate the database established under subparagraph (C) into the Water Contaminant Information Tool of the Environmental Protection Agency.

(4) Funding

Of the amounts available to the Administrator, the Administrator may use not more than \$15,000,000 in a fiscal year to carry out this subsection.

(e) Report

Not less frequently than once every 2 years until 2029, the Administrator shall submit to Congress a report that describes the progress made in carrying out this subchapter.

(f) Effect

Nothing in this section modifies any obligation of a State, local government, or Indian Tribe with respect to treatment methods for, or testing or monitoring of, drinking water.

(Pub. L. 116-92, div. F, title LXXIII, § 7342, Dec. 20, 2019, 133 Stat. 2284.)

SUBCHAPTER V—OTHER MATTERS

§ 8961. PFAS destruction and disposal guidance**(a) In general**

Not later than 1 year after December 20, 2019, the Administrator shall publish interim guidance on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances and materials containing perfluoroalkyl and polyfluoroalkyl substances, including—

- (1) aqueous film-forming foam;
- (2) soil and biosolids;
- (3) textiles, other than consumer goods, treated with perfluoroalkyl and polyfluoroalkyl substances;
- (4) spent filters, membranes, resins, granular carbon, and other waste from water treatment;
- (5) landfill leachate containing perfluoroalkyl and polyfluoroalkyl substances; and
- (6) solid, liquid, or gas waste streams containing perfluoroalkyl and polyfluoroalkyl substances from facilities manufacturing or using perfluoroalkyl and polyfluoroalkyl substances.

(b) Considerations; inclusions

The interim guidance under subsection (a) shall—

- (1) take into consideration—
 - (A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air dispersion, or leachate; and
 - (B) potentially vulnerable populations living near likely destruction or disposal sites; and
- (2) provide guidance on testing and monitoring air, effluent, and soil near potential destruction or disposal sites for releases described in paragraph (1)(A).

(c) Revisions

The Administrator shall publish revisions to the interim guidance under subsection (a) as the Administrator determines to be appropriate, but not less frequently than once every 3 years.

(Pub. L. 116–92, div. F, title LXXIII, §7361, Dec. 20, 2019, 133 Stat. 2289.)

§ 8962. PFAS research and development**(a) In general**

The Administrator, acting through the Assistant Administrator for the Office of Research and Development, shall—

- (1)(A) further examine the effects of perfluoroalkyl and polyfluoroalkyl substances on human health and the environment; and
- (B) make publicly available information relating to the findings under subparagraph (A);
- (2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research efforts that is based on—
 - (A) the potential for human exposure to the substances or classes of substances;

(B) the potential toxicity of the substances or classes of substances; and

(C) information available about the substances or classes of substances;

(3) develop new tools to characterize and identify perfluoroalkyl and polyfluoroalkyl substances in the environment, including in drinking water, wastewater, surface water, groundwater, solids, and the air;

(4) evaluate approaches for the remediation of contamination by perfluoroalkyl and polyfluoroalkyl substances in the environment; and

(5) develop and implement new tools and materials to communicate with the public about perfluoroalkyl and polyfluoroalkyl substances.

(b) Funding

There is authorized to be appropriated to the Administrator to carry out this section \$15,000,000 for each of fiscal years 2020 through 2024.

(Pub. L. 116–92, div. F, title LXXIII, §7362, Dec. 20, 2019, 133 Stat. 2290.)

§ 8963. Interagency body on research related to per- and polyfluoroalkyl substances**(a) Establishment**

The Director of the Office of Science and Technology Policy, acting through the National Science and Technology Council, shall establish, or designate, an interagency working group to coordinate Federal activities related to PFAS research and development.

(b) Agency participation

The interagency working group shall include a representative of each of—

- (1) the Environmental Protection Agency;
- (2) the National Institute of Environmental Health Sciences;
- (3) the Agency for Toxic Substances and Disease Registry;
- (4) the National Science Foundation;
- (5) the Department of Defense;
- (6) the National Institutes of Health;
- (7) the National Institute of Standards and Technology;
- (8) the National Oceanic and Atmospheric Administration;
- (9) the Department of the Interior;
- (10) the Department of Transportation;
- (11) the Department of Homeland Security;
- (12) the National Aeronautics and Space Administration;
- (13) the National Toxicology Program;
- (14) the Department of Agriculture;
- (15) the Geological Survey;
- (16) the Department of Commerce;
- (17) the Department of Energy;
- (18) the Office of Information and Regulatory Affairs;
- (19) the Office of Management and Budget; and
- (20) any such other Federal department or agency as the Director of the Office of Science and Technology Policy considers appropriate.

(c) Co-chairs

The Interagency working group shall be co-chaired by the Director of the Office of Science