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

and Technology Policy and, on a biannual rotating basis, a representative from a member agency, as selected by the Director of the Office of Science and Technology Policy.

(d) Responsibilities of the working group

The interagency working group established under subsection (a) shall—

(1) provide for interagency coordination of federally funded PFAS research and development; and

(2) not later than 12 months after January 1, 2021, develop and make publicly available a strategic plan for Federal support for PFAS research and development (to be updated not less frequently than once every three years) that—

(A) identifies all current federally funded PFAS research and development, including the nature and scope of such research and development and the amount of funding associated with such research and development during the current fiscal year, disaggregated by agency;

(B) identifies all federally funded PFAS research and development having taken place in the last three years, excluding the research listed under subparagraph (A), including the nature and scope of such research and development and the amount of funding associated with such research and development during the current fiscal year, disaggregated by agency;

(C) identifies scientific and technological challenges that must be addressed to understand and to significantly reduce the environmental and human health impacts of PFAS and to identify cost-effective—

(i) alternatives to PFAS that are designed to be safer and more environmentally friendly;

(ii) methods for removal of PFAS from the environment; and

(iii) methods to safely destroy or degrade PFAS;

(D) establishes goals, priorities, and metrics for federally funded PFAS research and development that takes into account the current state of research and development identified in subparagraph (A) and the challenges identified in subparagraph (C); and

(E) an implementation plan for Federal agencies and, for each update to the strategic plan under this paragraph, a description of how Federal agencies have been following the implementation plan.

(e) Consultation

In developing the strategic plan under subsection (d)(2), the interagency working group shall consult with States, tribes, territories, local governments, appropriate industries, academic institutions and nongovernmental organizations with expertise in PFAS research and development, treatment, management, and alternative development.

(f) Sunset

The strategic plan requirement described under section [1] (d)(2) shall cease on the date that is 20 years after the initial strategic plan is developed.

(g) Definitions

In this section:

(1) PFAS

The term ''PFAS'' means—

(A) man-made chemicals of which all of the carbon atoms are fully fluorinated carbon atoms; and

(B) man-made chemicals containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

(2) PFAS research and development defined

The term ''PFAS research and development'' includes any research or project that has the goal of accomplishing the following:

(A) The removal of PFAS from the environment.

(B) The safe destruction or degradation of PFAS.

(C) The development and deployment of safer and more environmentally friendly alternative substances that are functionally similar to those made with PFAS.

(D) The understanding of sources of environmental PFAS contamination and pathways to exposure for the public.

(E) The understanding of the toxicity of PFAS to humans and animals.

(Pub. L. 116–283, div. A, title III, § 332, Jan. 1, 2021, 134 Stat. 3529.)

Editorial Notes

CODIFICATION

Section was enacted as part of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and not as part of the PFAS Act of 2019 which comprises this chapter.

Statutory Notes and Related Subsidiaries

GUARANTEEING EQUIPMENT SAFETY FOR FIREFIGHTERS

Pub. L. 116–283, div. A, title III, § 338, Jan. 1, 2021, 134 Stat. 3533, provided that:

''(a) SHORT TITLE.—This section may be cited as the 'Guaranteeing Equipment Safety for Firefighters Act of 2020'.

''(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY STUDY ON PER- AND POLYFLUOROALKYL SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT WORN BY FIREFIGHTERS.—

''(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act [Jan. 1, 2021], the Director of the National Institute of Standards and Technology shall, subject to availability of appropriations, in consultation with the Director of the National Institute for Occupational Safety and Health, complete a study of the contents and composition of new and unused personal protective equipment worn by firefighters.

''(2) CONTENTS OF STUDY.—In carrying out the study required by paragraph (1), the Director of the National Institute of Standards and Technology shall examine—

''(A) the identity, prevalence, and concentration of per- and polyfluoroalkyl substances (commonly known as 'PFAS') in the personal protective equipment worn by firefighters;

''(B) the conditions and extent to which per- and polyfluoroalkyl substances are released into the en-

[1] So in original. Probably should be ''subsection''.

vironment over time from the degradation of personal protective equipment from normal use by firefighters; and

''(C) the relative risk of exposure to per- and polyfluoroalkyl substances faced by firefighters from—

''(i) their use of personal protective equipment; and

''(ii) degradation of personal protective equipment from normal use by firefighters.

''(3) REPORTS.—

''(A) PROGRESS REPORTS.—Not less frequently than once each year for the duration of the study conducted under paragraph (1), the Director shall submit to Congress a report on the progress of the Director in conducting such study.

''(B) FINAL REPORT.—Not later than 90 days after the date on which the Director completes the study required by paragraph (1), the Director shall submit to Congress a report describing—

''(i) the findings of the Director with respect to the study; and

''(ii) recommendations on what additional research or technical improvements to personal protective equipment materials or components should be pursued to avoid unnecessary occupational exposure among firefighters to per- and polyfluoroalkyl substances through personal protective equipment.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,500,000 for each of fiscal years 2021 and 2022.

''(c) RESEARCH ON PER- AND POLYFLUOROALKYL SUBSTANCES IN PERSONAL PROTECTIVE EQUIPMENT WORN BY FIREFIGHTERS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the submittal of the report required by subsection (b)(3)(B), the Director of the National Institute of Standards and Technology shall, subject to the availability of appropriations—

''(A) issue a solicitation for research proposals to carry out the research recommendations identified in the report submitted under subsection (b)(3)(B); and

''(B) award grants to applicants that submit research proposals to develop safe alternatives to per- and polyfluoroalkyl substances in personal protective equipment.

''(2) CRITERIA.—The Director shall select research proposals to receive a grant under paragraph (1) on the basis of merit, using criteria identified by the Director, including the likelihood that the research results will address the findings of the Director with respect to the study conducted under subsection (b)(1).

''(3) ELIGIBLE ENTITIES.—Any entity or group of 2 or more entities may submit to the Director a research proposal in response to the solicitation for research proposals under paragraph (1), including—

''(A) State and local agencies;

''(B) public institutions, including public institutions of higher education;

''(C) private corporations; and

''(D) nonprofit organizations.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 2023, $5,000,000 for fiscal year 2024, and $5,000,000 for fiscal year 2025 to carry out this section.

''(d) AUTHORITY FOR DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY TO CONSULT WITH EXPERTS ON MATTERS RELATING TO PER- AND POLYFLUOROALKYL SUBSTANCES.—In carrying out this section, the Director of the National Institute of Standards and Technology may consult with Federal agencies, nongovernmental organizations, State and local governments, and science and research institutions determined by the Director to have scientific or material interest in reducing unnecessary occupational exposure to per- and polyfluoroalkyl substances by firefighters.''

CHAPTER 116—CORONAVIRUS ECONOMIC STABILIZATION (CARES ACT)

SUBCHAPTER I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED

SUBCHAPTER II—UNEMPLOYMENT INSURANCE PROVISIONS

SUBCHAPTER III—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

PART A—CORONAVIRUS ECONOMIC STABILIZATION