

HR 535

PFAS Action Act of 2019

Congress: 116 (2019–2021, Ended)

Chamber: House

Policy Area: Environmental Protection

Introduced: Jan 14, 2019

Current Status: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works. (Jan 13, 2020)

Official Text: <https://www.congress.gov/bill/116th-congress/house-bill/535>

Sponsor

Name: Rep. Dingell, Debbie [D-MI-12]

Party: Democratic • **State:** MI • **Chamber:** House

Cosponsors (66 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Kildee, Daniel T. [D-MI-5]	D · MI		Jan 14, 2019
Rep. Upton, Fred [R-MI-6]	R · MI		Jan 14, 2019
Rep. Wild, Susan [D-PA-7]	D · PA		Jan 16, 2019
Rep. Khanna, Ro [D-CA-17]	D · CA		Jan 22, 2019
Rep. Delgado, Antonio [D-NY-19]	D · NY		Jan 23, 2019
Rep. Pocan, Mark [D-WI-2]	D · WI		Jan 23, 2019
Rep. Carbajal, Salud O. [D-CA-24]	D · CA		Jan 24, 2019
Rep. Pappas, Chris [D-NH-1]	D · NH		Jan 25, 2019
Rep. Slotkin, Elissa [D-MI-8]	D · MI		Jan 28, 2019
Rep. Dean, Madeleine [D-PA-4]	D · PA		Jan 31, 2019
Rep. Lofgren, Zoe [D-CA-19]	D · CA		Feb 6, 2019
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Mar 4, 2019
Rep. Kuster, Ann M. [D-NH-2]	D · NH		Mar 5, 2019
Rep. Lujan, Ben Ray [D-NM-3]	D · NM		Mar 5, 2019
Rep. Pingree, Chellie [D-ME-1]	D · ME		Mar 6, 2019
Rep. Neguse, Joe [D-CO-2]	D · CO		Mar 11, 2019
Rep. Hudson, Richard [R-NC-8]	R · NC		Mar 18, 2019
Rep. Boyle, Brendan F. [D-PA-2]	D · PA		Mar 25, 2019
Rep. Haaland, Debra A. [D-NM-1]	D · NM		Mar 25, 2019
Rep. Levin, Andy [D-MI-9]	D · MI		Mar 25, 2019
Rep. Moore, Gwen [D-WI-4]	D · WI		Mar 25, 2019
Rep. Hastings, Alcee L. [D-FL-20]	D · FL		Mar 26, 2019
Rep. McNerney, Jerry [D-CA-9]	D · CA		Mar 26, 2019
Rep. Welch, Peter [D-VT-At Large]	D · VT		Mar 26, 2019
Rep. Tlaib, Rashida [D-MI-13]	D · MI		Mar 28, 2019
Rep. Cohen, Steve [D-TN-9]	D · TN		Apr 2, 2019
Rep. Maloney, Sean Patrick [D-NY-18]	D · NY		Apr 2, 2019
Rep. Meng, Grace [D-NY-6]	D · NY		Apr 2, 2019
Rep. Omar, Ilhan [D-MN-5]	D · MN		Apr 2, 2019
Rep. Shalala, Donna E. [D-FL-27]	D · FL		Apr 2, 2019
Rep. Soto, Darren [D-FL-9]	D · FL		Apr 2, 2019
Rep. Wasserman Schultz, Debbie [D-FL-23]	D · FL		Apr 2, 2019
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Apr 4, 2019
Rep. Fitzpatrick, Brian K. [R-PA-1]	R · PA		Apr 8, 2019
Rep. Garcia, Jesus G. "Chuy" [D-IL-4]	D · IL		Apr 8, 2019
Rep. Raskin, Jamie [D-MD-8]	D · MD		Apr 8, 2019
Rep. Golden, Jared F. [D-ME-2]	D · ME		Apr 12, 2019
Rep. Grijalva, Raúl M. [D-AZ-3]	D · AZ		Apr 12, 2019
Rep. Kim, Andy [D-NJ-3]	D · NJ		Apr 12, 2019
Rep. Luria, Elaine G. [D-VA-2]	D · VA		May 9, 2019
Rep. Scanlon, Mary Gay [D-PA-5]	D · PA		May 9, 2019

Cosponsor	Party / State	Role	Date Joined
Rep. Lee, Barbara [D-CA-13]	D · CA		May 14, 2019
Rep. Rouzer, David [R-NC-7]	R · NC		May 15, 2019
Rep. Price, David E. [D-NC-4]	D · NC		May 20, 2019
Rep. Chu, Judy [D-CA-27]	D · CA		May 24, 2019
Rep. Peters, Scott H. [D-CA-52]	D · CA		May 28, 2019
Rep. Sires, Albio [D-NJ-8]	D · NJ		May 30, 2019
Rep. Moulton, Seth [D-MA-6]	D · MA		Jun 10, 2019
Rep. Bonamici, Suzanne [D-OR-1]	D · OR		Jun 19, 2019
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Jun 26, 2019
Rep. Cisneros, Gilbert Ray, Jr. [D-CA-39]	D · CA		Jun 28, 2019
Rep. Larson, John B. [D-CT-1]	D · CT		Jul 2, 2019
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Jul 10, 2019
Rep. Ruppersberger, C. A. Dutch [D-MD-2]	D · MD		Jul 10, 2019
Rep. McGovern, James P. [D-MA-2]	D · MA		Jul 18, 2019
Rep. Kind, Ron [D-WI-3]	D · WI		Jul 25, 2019
Rep. Himes, James A. [D-CT-4]	D · CT		Aug 16, 2019
Rep. Cicilline, David N. [D-RI-1]	D · RI		Sep 6, 2019
Rep. Malinowski, Tom [D-NJ-7]	D · NJ		Sep 6, 2019
Rep. Sánchez, Linda T. [D-CA-38]	D · CA		Sep 25, 2019
Rep. Kirkpatrick, Ann [D-AZ-2]	D · AZ		Oct 16, 2019
Rep. Watson Coleman, Bonnie [D-NJ-12]	D · NJ		Oct 23, 2019
Rep. Trahan, Lori [D-MA-3]	D · MA		Nov 8, 2019
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		Nov 21, 2019
Rep. Cárdenas, Tony [D-CA-29]	D · CA		Dec 6, 2019
Rep. Stevens, Haley M. [D-MI-11]	D · MI		Dec 11, 2019

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	Sep 26, 2019
Environment and Public Works Committee	Senate	Referred To	Jan 13, 2020
Transportation and Infrastructure Committee	House	Referred to	Feb 7, 2019

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
116 HR 2500	Related bill	Aug 11, 2020: Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 512.
116 HR 6053	Related bill	Mar 2, 2020: Referred to the House Committee on Energy and Commerce.
116 S 3227	Related bill	Jan 28, 2020: Read twice and referred to the Committee on Environment and Public Works.
116 HRES 779	Procedurally related	Jan 8, 2020: Motion to reconsider laid on the table Agreed to without objection.
116 HR 5540	Related bill	Jan 7, 2020: Referred to the House Committee on Transportation and Infrastructure.
116 HR 5550	Related bill	Jan 7, 2020: Referred to the House Committee on Energy and Commerce.
116 HR 5539	Related bill	Jan 6, 2020: Referred to the Subcommittee on Water Resources and Environment.
116 S 1790	Related bill	Dec 20, 2019: Became Public Law No: 116-92.
116 HR 5339	Related bill	Dec 6, 2019: Referred to the House Committee on Ways and Means.
116 HR 2533	Related bill	Sep 26, 2019: Forwarded by Subcommittee to Full Committee by Voice Vote .
116 HR 2566	Related bill	Sep 26, 2019: Forwarded by Subcommittee to Full Committee by Voice Vote .
116 HR 2596	Related bill	Sep 26, 2019: Forwarded by Subcommittee to Full Committee by Voice Vote .
116 HR 2605	Related bill	Sep 26, 2019: Forwarded by Subcommittee to Full Committee by Voice Vote .
116 HR 2626	Related bill	Sep 26, 2019: Forwarded by Subcommittee to Full Committee by Voice Vote .
116 HR 2638	Related bill	Sep 26, 2019: Forwarded by Subcommittee to Full Committee by Voice Vote .
116 S 1372	Related bill	May 8, 2019: Read twice and referred to the Committee on Environment and Public Works.
116 S 638	Identical bill	Feb 28, 2019: Read twice and referred to the Committee on Environment and Public Works. (Sponsor introductory remarks on measure: CR S1599)

PFAS Action Act of 2019

This bill revises several environmental laws and requires the Environmental Protection Agency (EPA) to regulate perfluoroalkyl and polyfluoroalkyl substances, commonly referred to as PFAS. These substances are man-made and may have adverse human health effects. A variety of products contain the compounds, such as nonstick cookware or weatherproof clothing.

(Sec. 2) The bill designates certain PFAS as hazardous substances, thereby requiring remediation of releases of those PFAS into the environment. Within five years, the EPA must determine whether the remaining PFAS should be designated as hazardous substances, individually or in groups.

The bill exempts public agencies or private owners of public airports that receive federal funding from liability for remediation of certain releases of PFAS into the environment resulting from the use of aqueous film forming foam.

(Sec. 3) The EPA must require that comprehensive toxicity testing be conducted on all PFAS. These rules shall require the development of information by any person who manufactures, processes, or intends to manufacture or process PFAS. The bill also provides guidelines for the development of these rules, including the methodologies and protocols to be used.

The bill revises when any PFAS may be exempt from testing or information submission and requires the EPA to publish a list of all exempt PFAS.

(Sec. 4) Currently, unless requirements for an exemption are met, persons planning to manufacture a chemical substance not listed on the EPA's inventory list or manufacture or process a chemical substance for a significant new use must comply with certain notification requirements. The bill prohibits PFAS from being exempted from these requirements.

For five years, the EPA shall prohibit the manufacture, processing, and distribution of PFAS not listed on the EPA's inventory list or the manufacture or processing of PFAS for a significant new use.

(Sec. 5) The bill requires the EPA to promulgate a national primary drinking water regulation for certain PFAS.

The EPA must publish a health advisory for PFAS not subject to a national primary drinking water regulation.

(Sec. 6) The bill prohibits the EPA from imposing financial penalties for the first five years for a violation of a national primary drinking water regulation with respect to PFAS.

(Sec. 7) The EPA must establish a grant program to assist community water systems with the costs associated with treating water contaminated by PFAS.

(Sec. 8) In relation to the regulation of toxic air pollutants, the EPA must (1) issue a final rule adding certain PFAS to the list of hazardous air pollutants, and (2) revise the list of air pollution sources within 365 days after issuing the rule to include categories and subcategories of major sources and area sources of PFAS. Within five years, the EPA must determine whether to issue a final rule adding the remaining PFAS to the list of hazardous air pollutants.

(Sec. 9) The EPA must regulate the disposal procedures for materials containing PFAS or aqueous film forming foam.

For criminal penalty purposes, materials containing PFAS shall be considered hazardous waste.

(Sec. 10) The bill requires the EPA to (1) revise the Safer Choice Standard of the Safer Choice Program to identify the requirements that specified products (e.g., cooking utensils) must meet in order to be labeled with a Safer Choice label, including a requirement that any such product does not contain PFAS; or (2) establish a voluntary label available for use by any manufacturer of any specified product that the EPA has reviewed and found does not contain any PFAS. The Safer Choice Program helps consumers and businesses find products with safer chemical ingredients through Safer Choice labels.

(Sec. 11) The EPA must issue guidance on minimizing the use by first responders of firefighting foam and other related equipment containing any PFAS, without jeopardizing firefighting efforts.

(Sec. 12) The EPA must investigate methods to prevent contamination by specified PFAS of surface waters, including those used for drinking water.

(Sec. 13) The bill requires an owner or operator of an industrial source that introduces PFAS into treatment works (systems that treat municipal sewage or industrial wastes) to provide specified notices to such treatment works, including the identity and quantity of such PFAS.

(Sec. 14) The EPA must establish a website containing specified information relating to the testing of household well water, including a list of certified laboratories that analyze samples.

(Sec. 15) The EPA must develop a risk-communication strategy to inform the public about the hazards of PFAS.

(Sec. 16) The bill authorizes the drinking water state revolving fund program to provide assistance to the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam to address emerging contaminants, with a focus on PFAS.

(Sec. 17) Finally, based on results of biennial reviews related to the discharge of PFAS from point sources that are not publicly owned treatment works, the EPA shall, for certain measureable PFAS, add the PFAS to the list of toxic pollutants, or establish effluent limitations and pretreatment standards.

Within two years of the enactment of this bill, the EPA must publish human health water quality criteria for certain PFAS.

The EPA shall award grants to owners and operators of publicly owned treatment works to help implement the pretreatment standards for PFAS developed by the EPA.

Actions Timeline

- **Jan 13, 2020:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
- **Jan 10, 2020:** Considered as unfinished business. (consideration: CR H153-164)
- **Jan 10, 2020:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jan 10, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Tlaib amendment No. 19.
- **Jan 10, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Malinowski amendment No. 20, as modified.
- **Jan 10, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Levin (MI) amendment No. 21.
- **Jan 10, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Slotkin amendment No. 22.
- **Jan 10, 2020:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 535.
- **Jan 10, 2020:** The previous question was ordered pursuant to the rule.
- **Jan 10, 2020:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Jan 10, 2020:** Mrs. Rodgers (WA) moved to recommit with instructions to the Committee on Energy and Commerce. (text: CR H162)
- **Jan 10, 2020:** DEBATE - The House proceeded with 10 minutes of debate on the Rodgers (WA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment including language "unborn child" to the testing procedure described in such national primary drinking water regulation by publishing the procedure or method in the Federal Register in accordance with section 1401 (1)(D).
- **Jan 10, 2020:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Jan 10, 2020:** On motion to recommit with instructions Failed by recorded vote: 187 - 219 (Roll no. 12).
- **Jan 10, 2020:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 247 - 159 (Roll no. 13).
- **Jan 10, 2020:** On passage Passed by the Yeas and Nays: 247 - 159 (Roll no. 13).
- **Jan 10, 2020:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 9, 2020:** Considered under the provisions of rule H. Res. 779. (consideration: CR H116-142; text: CR H125-127)
- **Jan 9, 2020:** Rule provides for consideration of H.R. 535 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Jan 9, 2020:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 779 and Rule XVIII.
- **Jan 9, 2020:** The Speaker designated the Honorable Daniel T. Kildee to act as Chairman of the Committee.
- **Jan 9, 2020:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 535.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Woodall amendment No. 1.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Burgess amendment No. 2.
- **Jan 9, 2020:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Burgess amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Burgess demanded a recorded vote and the Chair postponed further proceedings on the Burgess amendment until a time to be announced.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Hudson amendment No. 4.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Hudson amendment No. 5.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Balderson amendment No. 6.
- **Jan 9, 2020:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Balderson amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Tonko

demanding a recorded vote and the Chair postponed further proceedings on the Balderson amendment until a time to be announced.

- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Delgado amendment No. 7
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Pingree amendment No. 8.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Kildee amendment No. 9
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Tonko amendment No. 10.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Rice (NY) amendment No. 11.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Brown (MD) amendment No. 12.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Pappas amendment No. 13.
- **Jan 9, 2020:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Pappas amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the ayes had prevailed. Mr. Tonko demanded a recorded vote and the Chair postponed further proceedings on the Pappas amendment until a time to be announced.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Plaskett amendment No. 14.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Brindisi amendment No. 15.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Brindisi amendment No. 16.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Golden amendment No. 17.
- **Jan 9, 2020:** DEBATE - Pursuant to the provisions of H. Res. 779, the Committee of the Whole proceeded with 10 minutes of debate on the Axne amendment No. 18, as modified.
- **Jan 9, 2020:** Mr. Tonko moved that the Committee rise.
- **Jan 9, 2020:** On motion that the Committee rise Agreed to by voice vote.
- **Jan 9, 2020:** Committee of the Whole House on the state of the Union rises leaving H.R. 535 as unfinished business.
- **Jan 8, 2020:** Rule H. Res. 779 passed House.
- **Jan 7, 2020:** Rules Committee Resolution H. Res. 779 Reported to House. Rule provides for consideration of H.R. 535 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order.
- **Jan 2, 2020:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 116-364, Part I.
- **Jan 2, 2020:** Committee on Transportation discharged.
- **Jan 2, 2020:** Placed on the Union Calendar, Calendar No. 289.
- **Nov 20, 2019:** Committee Consideration and Mark-up Session Held.
- **Nov 20, 2019:** Ordered to be Reported (Amended) by the Yeas and Nays: 31 - 19.
- **Sep 26, 2019:** Subcommittee Consideration and Mark-up Session Held.
- **Sep 26, 2019:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Feb 7, 2019:** Referred to the Subcommittee on Water Resources and Environment.
- **Jan 25, 2019:** Referred to the Subcommittee on Environment and Climate Change.
- **Jan 14, 2019:** Introduced in House
- **Jan 14, 2019:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.