PFAS Release Disclosure Act

Introduced by Senators Shelley Moore Capito (R-W.Va.), Kirsten Gillibrand (D-N.Y.), and Tom Carper (D-Del.)

Background

Widespread contamination from perfluoroalkyl and polyfluoroalkyl substances (PFAS) is emerging as a significant public health and environmental protection challenge. Useful for their water-repellent, non-stick, and firefighting capabilities, PFAS are broadly used by industry and the U.S. government in consumer products, industrial applications, and mitigating volatile chemical and hydrocarbon fires.

Unfortunately, their ubiquitous presence in commerce and heavy use at industrial and military installations has led to widespread contamination. Unique properties of PFAS mean the chemicals are persistent, rapidly disperse in water and soil media, and can bioaccumulate in human bodies and ecological food chains. The science of the health and environmental impacts of PFAS exposure is rapidly and continuously developing, but studies link long-term significant exposure to PFAS to a variety of cancers, endocrine disruption, and developmental issues. These challenges are truly nationwide, with an estimated 99 percent of Americans having at least trace amounts of PFAS in their blood. However, serious contamination and resultant impacts tend to be highly localized to communities adjacent to point sources of PFAS emissions.

Essential to preventing and remediating this contamination is identifying potential industrial sources of PFAS emissions into the environment. The Environmental Protection Agency's (EPA) Toxic Release Inventory (TRI) is a centralized database of environmental releases or waste processing of toxic chemicals by industrial and federal facilities. The owners of registered sites are accountable for reporting stockpiles of these chemicals to the EPA and are held accountable for undocumented emissions. The TRI is a vital resource for local, state, and federal government agencies; communities; and companies to identify the location and potential sources of emissions of pollutants. The TRI currently includes more than 650 chemicals, but presently none are PFAS.

The PFAS Release Disclosure Act

The *PFAS Release Disclosure Act* would help address the challenges of PFAS contamination by:

- Requiring the addition of perfluoroctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS)—the legacy long-chain PFAS with the most significant, scientifically-demonstrated health effects in human and animal populations—to the TRI.

- Requiring that any PFAS subject to an existing Significant New Use Rule (SNUR) under the Toxic Substances Control Act (TSCA) be added to the TRI.

  o SNURs require a formal rulemaking, backed by science and subject to a formal administrative process including public notice and comment.

- Requiring any PFAS subject to an ongoing or future SNUR or finalized toxicity value—including the ongoing review of the compound GenX—to be added to the TRI after finalization of the relevant SNUR or toxicity value.

- Directing EPA to decide whether to add several additional specific PFAS for addition to the TRI within two years.

- Setting the reporting threshold for PFAS by entities subject to TRI reporting at a level of 100 pounds to ensure a robust dataset following enactment. The EPA is required to revisit these thresholds after five years.

- Protecting confidential business information (CBI) from publication while still including relevant PFAS compounds in TRI reporting and maximizing transparency

The *PFAS Release Disclosure Act* provides a clear process for the EPA to identify and share with the public and policymakers potential sources of PFAS emissions around the country, while respecting the formal rulemaking processes and scientific approach that are the bedrock of federal environmental statutes. This legislation responsibly addresses the challenges posed by a broad class of potential contaminants, with hundreds of chemicals actively being used in commerce, in a scientifically sound and adaptive way in order to protect public health and the environment.

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