

***Forever Chemical Regulation and Accountability Act***  
**Section by Section**  
**Senator Dick Durbin, Representative Betty McCollum**

**Sec. 1: Short Title, Table of Contents**

**Sec. 2: Definitions**

**Title I: Phase-Out of Non-essential Uses of PFAS and All Releases**

**Sec. 101: National Academies Study concerning the essential uses of perfluoroalkyl or polyfluoroalkyl substances**

This section initiates a National Academies study to review and evaluate the available scientific evidence regarding categories of essential uses of PFAS; and to provide guidance on designating PFAS uses as essential or non-essential.

**Sec. 102: Manufacturing Phase-Out Program**

This section establishes annual reporting requirements for PFAS manufacturers and users to inform a transparent, nationwide phaseout of non-essential uses and environmental release of PFAS within 10 years. It directs manufacturers and users to provide a description of any non-essential uses of PFAS and any viable alternatives for uses of PFAS. It also expands the scope of reporting and recordkeeping requirements for PFAS manufacturers under the *Toxic Substances Control Act* (TSCA) Section 8(a)(7) established by the *National Defense Authorization Act for Fiscal Year 2020* and requires the U.S. Environmental Protection Agency (EPA) to make the reports public. PFAS manufacturers and users also will be required to submit publicly available 10-year phase-out plans of their non-essential uses of PFAS to EPA. As a part of these phase-outs, manufacturers and users may enter into an agreement with National Laboratories, universities, and other stakeholders to transfer PFAS for research purposes.

The bill bans non-essential uses of PFAS in specific products within four years of enactment. By 10 years after enactment, all uses of PFAS are designated as “non-essential” and petitions will be permitted to designate a use of PFAS as essential or non-essential. The prohibition includes a ban on the sale of non-essential uses of PFAS.

**Sec. 103: United States PFAS Substance Policy**

This section establishes a United States PFAS policy, stating that to the maximum extent practicable PFAS contamination must be remediated and the use of PFAS in consumer products should be eliminated or replaced, and directs federal agencies to maximize procurement to achieve this goal.

**Sec. 104: PFAS Release and Disposal Phase-Out**

This section prohibits manufacturers and users from releasing or disposing of any quantity of PFAS above the threshold of detection in a manner that permits that PFAS to enter the environment 10 years after enactment.

**Sec. 105: Use for Research**

This section permits releases of PFAS for research and development purposes if it does not pose unreasonable risk on human health or the environment.

**Sec. 106: Inspections, Monitoring, and Entry**

This section requires manufacturers to allow EPA to conduct compliance monitoring activities (including entering sites and other spaces), maintain records and data relevant to enforcement and compliance with this title, and supply EPA with such records and data.

**Sec. 107: Enforcement**

This section outlines the authorities EPA has to enforce this title, including suspending or revoking any permitted activities related to PFAS production, issuing civil and criminal penalties, subpoena power, requiring corrective actions, etc.

**Sec. 108: Citizen Suits**

This section permits citizen suits related to violation of this title against manufacturers and the federal government, including EPA.

**Sec. 109: Imminent Hazard**

This section provides authorities for EPA to restrict PFAS manufacturer activities should it have reason to believe such activities may present an imminent and substantial endangerment to human health or the environment.

**Sec. 110: Application of Federal, State, and Local Law to Federal Agencies**

This section requires federal agencies to comply with all federal, state, interstate, and local laws regulating PFAS.

**Sec. 111: Judicial Review**

This section establishes processes for judicial review of final regulations and petitions and EPA implementation of this title.

**Sec. 112: Regulatory Authority**

This section provides authority for EPA to promulgate regulations as necessary to carry out this bill.

**Sec. 113: Authorization of Appropriations**

This section authorizes such funding as may be necessary to carry out this title for 10 years. It also authorizes EPA to collect fees and establishes two accounts, controlled by EPA, to fund EPA's execution of this bill.

**Sec. 114: Severability**

This section ensures that if any part of this title is found to be unconstitutional, the rest of the title is not affected.

**Sec. 115: Retention of State Authority**

This section prohibits states from imposing less stringent requirements and permits states to impose more stringent requirements than the federal requirements outlined in this legislation.

**Title II: Other Matters**

**Sec. 201: U.S. Environmental Protection Agency Centers of Excellence for Assessing PFAS Contamination in Water Sources and PFAS Remediation Solutions in the United States**

This section establishes and funds two centers to be housed under a research university, one in a rural community and the other in an urban/suburban community, to develop and maintain capabilities for measuring PFAS contamination in water, as well as evaluate emerging PFAS removal and destruction technologies and methods. The urban/suburban university must partner with a National Laboratory to apply.

**Sec. 202: Actions under State Law for Damages from Exposure to Hazardous Substances**

This section will update the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* (CERCLA) to toll state statutes of limitations and statutes of repose for newly-designated hazardous substances, such as PFAS, until the later of the date on which it was designated as a hazardous substance or when the plaintiff knew or reasonably should have known their injury was caused by the substance.

**Sec. 203: Bankruptcy Provisions relating to Persistent, Bioaccumulative, and Toxic Chemical Defendants and Debtors**

This section will prevent large corporations from exploiting bankruptcy procedures to avoid persistent, bioaccumulative, and toxic chemicals, including PFAS, claims, ensuring that individuals who have been harmed by these chemicals can have their day in court.