

Forever Chemical Regulation and Accountability Act **Senator Dick Durbin & Representative Betty McCollum**

Despite growing concern about the health and environmental risks of per- and polyfluoroalkyl substances (PFAS), enormous quantities of these compounds have been and continue to be created, produced, and released into our environment and communities. The National Center for Computational Toxicology has identified more than 12,000 types of these “forever chemicals.” As new PFAS compounds are being developed, and health and environmental research falls further behind, we must take action to reduce the presence of these chemicals in our daily lives.

The *Forever Chemical Regulation and Accountability Act* mitigates potential points of exposure and contamination while ensuring access to essential PFAS such as those used in batteries and medical devices. To do so, it prohibits excessive, ‘non-essential’ PFAS production and releases of any PFAS into our air, water, and land. The bill would institute a realistic and manageable timeline of 10 years for PFAS manufacturers to stop production of all ‘non-essential’ PFAS and to eliminate all PFAS releases from their facilities. Some manufacturers already are ceasing PFAS production in response to consumer concerns, demonstrating their ability to meet a 10-year deadline. Further, the *Forever Chemical Regulation and Accountability Act* would address state statutes of repose and certain bankruptcy maneuvers to make sure those responsible for PFAS-related harms do not escape liability.

The *Forever Chemical Regulation and Accountability Act* would:

- Initiate a National Academies of Sciences, Engineering, and Medicine study to review the persistence, bioaccumulation, and human health risks of PFAS. The Academies would also identify current PFAS uses and provide guidance on classification of essential or non-essential uses, which will be used by the U.S. Environmental Protection Agency (EPA) to require those designated “non-essential” to be phased out.
- Require all PFAS manufacturers and users to file reports with EPA to disclose certain information relating to PFAS, and require manufacturers and users to submit a phase-out schedule of their products to be completed within 10 years.
- Direct EPA to facilitate phasing out non-essential PFAS production, consumption, and possession and prohibit manufacturers and commercial users from releasing any PFAS into the environment within 10 years.
- Establish deadlines for manufacturers to remove PFAS from certain consumer products.
- Reinforce that, to the maximum extent possible, PFAS should be eliminated from products or replaced by substitutes that reduce risk to human health and the environment. The bill also would direct federal agencies to maximize resources to achieve this goal.
- Establish regional PFAS rapid response hubs to advance PFAS replacement and remediation.
- Require EPA to collect fees to administer the reporting and petition processes.
- Prevent large corporations from exploiting bankruptcy procedures to avoid claims related to persistent, bioaccumulative, and toxic chemicals, including PFAS, ensuring that individuals who have been harmed by such chemicals can have their day in court.
- Update 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.