

117TH CONGRESS
1ST SESSION

H. R. 4463

To require the Administrator of the Environmental Protection Agency to promulgate regulations regarding disposal of materials containing perfluoroalkyl and polyfluoroalkyl substances or aqueous film forming foam, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mr. LEVIN of Michigan introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Administrator of the Environmental Protection Agency to promulgate regulations regarding disposal of materials containing perfluoroalkyl and polyfluoroalkyl substances or aqueous film forming foam, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “PFAS Safe Disposal
5 Act”.

1 **SEC. 2. PROHIBITION ON WASTE INCINERATION OF PFAS.**

2 Section 3004 of the Solid Waste Disposal Act (42
3 U.S.C. 6924) is amended by adding at the end the fol-
4 lowing new subsection:

5 “(z) PFAS WASTES.—

6 “(1) FIREFIGHTING FOAM.—Not later than 6
7 months after the date of enactment of this sub-
8 section, the Administrator shall promulgate regula-
9 tions requiring that when materials containing
10 perfluoroalkyl and polyfluoroalkyl substances or
11 aqueous film forming foam are disposed—

12 “(A) all incineration is conducted in a
13 manner that eliminates perfluoroalkyl and
14 polyfluoroalkyl substances, including elimi-
15 nating perfluoroalkyl and polyfluoroalkyl sub-
16 stances emitted into the air;

17 “(B) all incineration is conducted in ac-
18 cordance with the requirements of the Clean Air
19 Act, including controlling hydrogen fluoride;

20 “(C) any materials containing
21 perfluoroalkyl and polyfluoroalkyl substances
22 that are designated for disposal are stored in
23 accordance with the requirements under part
24 264 of title 40, Code of Federal Regulations;

1 “(D) all incineration is conducted at a fa-
2 cility that has been permitted to receive waste
3 regulated under this subtitle; and

4 “(E) incineration is prohibited in or near
5 overburdened communities, as defined by the
6 Administrator.

7 “(2) PENALTIES.—For purposes of section
8 3008(d), a waste subject to a prohibition under this
9 subsection shall be considered a hazardous waste
10 identified or listed under this subtitle.

11 “(3) INTERIM PROHIBITION ON INCINER-
12 ATION.—No person may incinerate for purposes of
13 disposal any material containing perfluoroalkyl and
14 polyfluoroalkyl substances or aqueous film forming
15 foam until the effective date of the regulations pro-
16 mulgated under paragraph (1).”.

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