

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To list certain perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. PADILLA (for himself and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To list certain perfluoroalkyl and polyfluoroalkyl substances as hazardous air pollutants, 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 “Prevent Release of  
5 Toxics Emissions, Contamination, and Transfer Act of  
6 2021” or the “PROTECT Act of 2021”.

7 **SEC. 2. LISTING OF PERFLUOROALKYL AND**  
8 **POLYFLUOROALKYL SUBSTANCES AS HAZ-**  
9 **ARDOUS AIR POLLUTANTS.**

10 (a) LISTING.—

1           (1) INITIAL LISTING.—Section 112(b) of the  
2 Clean Air Act (42 U.S.C. 7412(b)) is amended by  
3 adding at the end the following:

4           “(8)           PERFLUOROALKYL           AND  
5 POLYFLUOROALKYL SUBSTANCES.—

6           “(A) IN GENERAL.—Subject to subpara-  
7 graph (B), beginning on the date of enactment  
8 of the Prevent Release of Toxics Emissions,  
9 Contamination, and Transfer Act of 2021, the  
10 following substances are included on the list of  
11 hazardous air pollutants under paragraph (1):

12           “(i) Perfluorooctanoic acid and its  
13 salts.

14           “(ii) Perfluorooctanesulfonic acid and  
15 its salts.

16           “(iii) Perfluorobutanesulfonic acid.

17           “(iv) Hexafluoropropylene oxide dimer  
18 acid and its ammonium salt (commonly re-  
19 ferred to as ‘GenX chemicals’).

20           “(B) IMPLEMENTING REGULATIONS.—

21           “(i) SOURCE CATEGORIES.—Notwith-  
22 standing any other provision of this sec-  
23 tion, not later than 2 years after the date  
24 of enactment of the Prevent Release of  
25 Toxics Emissions, Contamination, and

1           Transfer Act of 2021, the Administrator  
2           shall revise the list of the categories and  
3           subcategories of major sources and area  
4           sources established under subsection (c)(1)  
5           to include the categories and subcategories  
6           of the substances described in subpara-  
7           graph (A).

8           “(ii) OTHER REGULATIONS.—Not-  
9           withstanding any other provision of this  
10          section and except as provided in clause  
11          (i), not later than 5 years after the date of  
12          enactment of the Prevent Release of Toxics  
13          Emissions, Contamination, and Transfer  
14          Act of 2021, the Administrator shall final-  
15          ize the emission standards and other regu-  
16          lations necessary under this section for the  
17          substances included on the list of haz-  
18          ardous air pollutants under subparagraph  
19          (A).

20          “(iii) SAVINGS CLAUSE.—The Admin-  
21          istrator may not enforce the listing of any  
22          hazardous air pollutant under subpara-  
23          graph (A) until the regulations issued  
24          under clause (ii) are finalized.”.

25          (2) ADDITIONAL LISTINGS.—

1           (A) IN GENERAL.—Not later than 5 years  
2           after the date of enactment of this Act, the Ad-  
3           ministratoꝛ of the Environmental Protection  
4           Agency (referred to in this Act as the “Admin-  
5           istratoꝛ”) shall determine whether to issue, in  
6           accordance with section 112 of the Clean Air  
7           Act (42 U.S.C. 7412), final rules adding  
8           perfluoroalkyl and polyfluoroalkyl substances  
9           other than the perfluoroalkyl and  
10          polyfluoroalkyl substances described in sub-  
11          section (b)(8) of that section to the list of haz-  
12          ardous air pollutants established under sub-  
13          section (b) of that section.

14          (B) SOURCES CATEGORIES.—Not later  
15          than 2 years after the date on which a final  
16          rule is issued pursuant to subparagraph (A),  
17          the Administrator shall revise the list of the  
18          categories and subcategories of major sources  
19          and area sources established under section  
20          112(c)(1) of the Clean Air Act (42 U.S.C.  
21          7412(c)(1)) to include the categories and sub-  
22          categories of major sources and area sources of  
23          the perfluoroalkyl and polyfluoroalkyl sub-  
24          stances listed pursuant to that final rule.

1                   (C) OTHER REGULATIONS.—Notwith-  
2 standing any other provision of section 112 of  
3 the Clean Air Act (42 U.S.C. 7412) and except  
4 as provided in subparagraph (B), not later than  
5 5 years after the date of enactment of this Act,  
6 the Administrator shall finalize the emission  
7 standards and other regulations necessary  
8 under that section for the substances described  
9 in subparagraph (A).

10           (b) PETITIONS.—Nothing in this Act or an amend-  
11 ment made by this Act affects the requirement that the  
12 Administrator grant or deny a petition under section  
13 112(b)(3)(A) of the Clean Air Act (42 U.S.C.  
14 7412(b)(3)(A)) within 18 months of the receipt of the pe-  
15 tition, including a petition with respect to a substance de-  
16 scribed in subsection (a)(2)(A).

17           (c) QUANTIFICATION.—For each substance added to  
18 the list of hazardous air pollutants established under sec-  
19 tion 112(b) of the Clean Air Act (42 U.S.C. 7412(b)) pur-  
20 suant to this Act or under an amendment made by this  
21 Act, the Administrator shall—

22                   (1) provide support and services to advance the  
23 understanding of sources of emissions of the sub-  
24 stance, or an appropriate surrogate for that sub-  
25 stance, the state of technology for control of those

1 emissions, and measurement approaches to quantify  
2 and measure those emissions; and

3 (2) to the extent practicable, continue to de-  
4 velop and improve the relevant source testing and  
5 ambient air measurement methodologies to facili-  
6 tate—

7 (A) the identification of emissions sources  
8 of the substance; and

9 (B) the detection and reporting of the  
10 emitted amounts of the substance.