

**Calendar No. 250**

118TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
118-112

PROTECTING CONSUMERS FROM PFAS ACT

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R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 820

TO ADD THE CONSUMER PRODUCT SAFETY COMMISSION  
TO THE LIST OF AGENCIES REQUIRED TO BE  
REPRESENTED ON THE PFAS INTERAGENCY WORKING GROUP



NOVEMBER 27, 2023.—Ordered to be printed

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U.S. GOVERNMENT PUBLISHING OFFICE

49-010

WASHINGTON : 2023

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NOVEMBER 27, 2023.—ORDERED TO BE PRINTED

Mr. PETERS, from the Committee on Homeland Security and  
Governmental Affairs, submitted the following

**R E P O R T**

[To accompany S. 820]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 820) to add the Consumer Product Safety Commission to the list of agencies required to be represented on the PFAS interagency working group, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Purpose and Summary .....	1
II. Background and Need for the Legislation .....	2
III. Legislative History .....	3
IV. Section-by-Section Analysis of the Bill, as Reported .....	3
V. Evaluation of Regulatory Impact .....	4
VI. Congressional Budget Office Cost Estimate .....	4
VII. Changes in Existing Law Made by the Bill, as Reported .....	5

I. PURPOSE AND SUMMARY

S. 820, the *Protecting Consumers from PFAS Act*, would add the Consumer Product Safety Commission (CPSC) to the list of agencies required to be represented on the interagency working group on research related to per- and polyfluoroalkyl substances (PFAS interagency working group), established by Section 332(b) of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.<sup>1</sup> Representation on the working group would allow the CPSC to better protect the public against unreasonable

<sup>1</sup> 15 U.S.C. 8963(b).

risks of injury associated with consumer products that may contain per- and polyfluoroalkyl substances (PFAS).

## II. BACKGROUND AND THE NEED FOR LEGISLATION

PFAS are manufactured chemicals that can be found in industrial and consumer products. PFAS are often referred to as “forever chemicals” because they do not break down in the environment or in living organisms.<sup>2</sup> A growing list of over 9,000 PFAS chemicals threaten the health of workers, consumers and communities.<sup>3</sup>

PFAS are found in everyday household products—including stain-resistant fabrics, water-repellent clothing, and nonstick cookware.<sup>4</sup> PFAS chemicals are also found in industrial production, firefighting foams, and waste, which can lead to pervasive contamination of soil and water.<sup>5</sup> In June 2022, the Environmental Protection Agency (EPA) updated its drinking water health advisories for the two most widely studied PFAS—perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS)—after finding that negative health effects can occur with concentrations of PFOA or PFOS in water that are near zero and below EPA’s ability to detect at this time.<sup>6</sup>

PFAS contamination extends beyond drinking water and other environmental impacts. A 2019 study published in the National Institute of Environmental Health Sciences journal found PFAS in consumers’ blood, associated with food packaging (“Calories of food eaten at home in the past 24 hours had significant inverse associations with serum levels of all five PFASs”).<sup>7</sup> Research suggests that in the U.S. population, most people have been exposed to PFAS, specifically PFOA and PFOS, which has been monitored through blood samples and studies collected by the Centers for Disease Control and Prevention (CDC).<sup>8</sup> CDC research has found that PFAS chemicals may be present in the blood of up to 97% of Americans, but full exposure is difficult to monitor due to the continued development of new types of PFAS chemicals used in products.<sup>9</sup>

Exposure to PFAS chemicals is associated with widespread negative health impacts. Studies have suggested that humans exposed to PFAS may have an increased risk of kidney or testicular cancer, increased cholesterol levels, changes in liver enzymes, small decreases in infant birth weights, decreased vaccine response in children, and increased risk of high blood pressure or pre-eclampsia in

<sup>2</sup>Harvard T.H. Chan School of Public Health, *Protecting Against ‘Forever Chemicals’* (Mar. 16, 2023).

<sup>3</sup>Center for Disease Control and Prevention, The National Institute for Occupational Safety and Health, Per- and polyfluoroalkyl substances (PFAS) ([www.cdc.gov/niosh/topics/pfas/default.html](http://www.cdc.gov/niosh/topics/pfas/default.html)) (accessed Jun. 15, 2023).

<sup>4</sup>Center for Disease Control and Prevention, Agency for Toxic Substances and Disease Registry, Per- and Polyfluoroalkyl Substances (PFAS) ([www.atsdr.cdc.gov/pfas/activities/index.html](http://www.atsdr.cdc.gov/pfas/activities/index.html)) (accessed Jun. 15, 2023).

<sup>5</sup>U.S. Environmental Protection Agency, Our Current Understanding of the Human Health and Environmental Risks of PFAS ([www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas](http://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas)) (accessed Jun. 15, 2023).

<sup>6</sup>U.S. Environmental Protection Agency, *EPA Announces New Drinking Water Health Advisories for PFAS Chemicals, \$1 Billion in Bipartisan Infrastructure Law Funding to Strengthen Health Protections* (Jun. 15, 2022).

<sup>7</sup>Herbert P. Susmann et al., *Dietary Habits Related to Food Packaging and Population Exposure to PFAS*, *Environmental Health Perspectives* (Oct. 9, 2019).

<sup>8</sup>Center for Disease Control and Prevention, Agency for Toxic Substances and Disease Registry, Per- and Polyfluoroalkyl Substances (PFAS), PFAS in the U.S. Population ([www.atsdr.cdc.gov/pfas/health-effects/us-population.html](http://www.atsdr.cdc.gov/pfas/health-effects/us-population.html)) (accessed Jun. 15, 2023).

<sup>9</sup>National Institute of Environmental Health Sciences, Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) (<https://www.niehs.nih.gov/health/topics/agents/pfc/>) (accessed Jun. 15, 2023).

pregnant women.<sup>10</sup> In a June 2022 study, the National Institute of Environmental Health Sciences found that “higher levels of PFAS mixture were significantly associated with higher risk of all-cause mortality” and that “PFOS concentrations were positively correlated with all-cause, heart disease, and cancer mortality.”<sup>11</sup>

PFAS chemicals are ubiquitous in consumer products and the CPSC recognized in June 2022 that it must follow EPA’s goal of regulating hazards associated with PFAS.<sup>12</sup> This bill therefore requires the CPSC to be represented on the PFAS interagency working group, which coordinates federal PFAS research and strategic planning. While the CPSC has voluntarily attended working group meetings in the past, this requirement would ensure their presence and participation would continue through the duration of the working group. Providing the CPSC a permanent seat on the PFAS interagency working group would help ensure the working group is equipped with the right tools to protect the public against risks of injury associated with contaminated consumer products that may contain PFAS.

### III. LEGISLATIVE HISTORY

Chairman Gary Peters (D–MI) introduced S. 820, the *Protecting Consumers from PFAS Act*, on March 15, 2023, with original cosponsors Senators Susan Collins (R–ME), Cynthia Lummis (R–WY), and Peter Welch (D–VT). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 820 at a business meeting on June 14, 2023. At the business meeting, Senator Paul offered an amendment to the bill, to limit appropriations funding and clarify that no additional funds would be appropriated to implement the legislation. The Paul amendment was adopted by voice vote, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, Hawley, and Marshall present. The bill, as amended, was ordered reported favorably by roll call vote of 11 yeas to 2 nays, with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Blumenthal, Romney, Scott, Hawley, and Marshall voting in the affirmative, and Senators Paul and Lankford voting in the negative. Senators Carper and Johnson voted yea by proxy, for the record only.

### IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

#### *Section 1. Short title*

This section establishes the short title of the bill as the “Protecting Consumers from PFAS Act.”

<sup>10</sup>Center for Disease Control and Prevention, Agency for Toxic Substances and Disease Registry, Per- and Polyfluoroalkyl Substances (PFAS) and Your Health, What are the health effects of PFAS? ([www.atsdr.cdc.gov/pfas/health-effects/index.html](http://www.atsdr.cdc.gov/pfas/health-effects/index.html)) (accessed Jun. 15, 2023).

<sup>11</sup>Xue Wen et al., *Exposure to Per- and Polyfluoroalkyl Substances and Mortality in U.S. Adults: A Population-Based Cohort Study*, Environmental Health Perspectives (Jun. 22, 2022).

<sup>12</sup>U.S. Consumer Product Safety Commission, *EPA Takes Bold Action to Alert the Public About Deadly Risks of PFAS & PFOS in Water Supply; if There is No Safe Level in Water, CPSC Must Examine Whether We Should Allow PFAS & PFOS in Consumer Products* (Jun. 17, 2022) ([www.cpsc.gov/s3fs-public/Trumka%20PFAS%206.17.22.docx\\_.pdf?VersionId=NXxu863Yny.GeJSO4v5kbqrW5N1wEeLD](http://www.cpsc.gov/s3fs-public/Trumka%20PFAS%206.17.22.docx_.pdf?VersionId=NXxu863Yny.GeJSO4v5kbqrW5N1wEeLD)).

*Section 2. PFAS interagency working group*

This section amends 332(b) of the *William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021* to include the Consumer Product Safety Commission in the PFAS interagency working group created by that Act.

*Section 3. Limitation on new funding*

Provides that no additional funds are authorized to be appropriated for carrying out the act or any amendment made by the act.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

<b>S. 820, Protecting Consumers from PFAS Act</b>			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on June 14, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 820 would add the Consumer Product Safety Commission (CPSC) to the list of agencies required to participate in the per- and polyfluoroalkyl substances (PFAS) interagency working group that was established in the *William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021* to coordinate federal activities related to PFAS. Because CPSC already participates in the group, CBO estimates that enacting S. 820 would have no effect on the federal budget.

The CBO staff contact for this estimate is Katie Zhang. The estimate was reviewed by Emily Stern, Senior Adviser for Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**WILLIAM M. (MAC) THORNBERRY NATIONAL  
DEFENSE AUTHORIZATION ACT FOR FISCAL  
YEAR 2021**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF DEFENSE  
AUTHORIZATIONS**

\* \* \* \* \*

**TITLE III—OPERATIONS AND MAINTENANCE**

\* \* \* \* \*

**Subtitle B—Energy and Environment**

\* \* \* \* \*

**SEC. 332. INTERAGENCY BODY ON RESEARCH RELATED TO PER- AND  
POLYFLUROALKYL SYBSTANCES.**

(a) \* \* \*

(b) AGENCY PARTICIPATION.—The interagency working group shall include a representative of each of—

(1) \* \* \*

\* \* \* \* \*

(19) the Office of Management and Budget; **[and]**

(20) *the Consumer Product Safety Commission; and*

**[20]** (21) any such other Federal department or agency as the Director of the Office of Science and Technology Policy considers appropriate.

\* \* \* \* \*