



## **Final NDAA Bill Does Not Include Controversial PFAS Provisions February 2020**

In December, legislators released their compromise Fiscal Year 2020 National Defense Authorization Act (NDAA) and we are happy to report that the final package does not include a provision to designate PFAS as hazardous substances under CERCLA, which would have created potential Superfund liability for public clean water utilities. The final package also does not mandate that EPA develop CWA pretreatment standards for PFAS, as was signed into law by President Trump on December 20.

The final NDAA includes various PFAS provisions for the Department of Defense (DOD), such as directing DOD to stop using PFAS-containing firefighting foam by October 2024 (except on ships) and requiring blood testing of military firefighters; banning the use of PFAS in military field ration packaging; and providing a small amount of PFAS research funding.

The legislation also mandates certain PFAS chemicals be included on the Toxics Release Inventory, subject to requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA), as well as requires EPA, under the Toxic Substances Control Act (TSCA), to finalize by June 2020 a Significant New Use Rule for Long-Chain PFAS. Additionally, the bill also requires EPA to establish an interagency working group on emerging contaminants and establish a National Emerging Contaminant Research Initiative to advance identification, analysis, monitoring, and treatment methods. Lastly, the NDAA also requires EPA to publish interim guidance within a year regarding the destruction and disposal of PFAS substances and PFAS-containing materials, which include biosolids and spent water treatment filters and materials, as well as firefighting foams, textiles, manufacturing waste streams, and landfill leachate.