

118TH CONGRESS  
1ST SESSION

# S. 747

To authorize the Secretary of Agriculture to provide grants to States, territories, and Indian Tribes to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 9, 2023

Ms. COLLINS (for herself, Mr. KING, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To authorize the Secretary of Agriculture to provide grants to States, territories, and Indian Tribes to address contamination by perfluoroalkyl and polyfluoroalkyl substances on farms, 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 “Relief for Farmers Hit  
5 with PFAS Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AGRICULTURAL LAND.—

1 (A) IN GENERAL.—The term “agricultural  
2 land” means any land that is used, or capable  
3 of use without substantial modification, for pro-  
4 duction of farm products.

5 (B) INCLUSIONS.—The term “agricultural  
6 land” includes irrigation water, livestock water,  
7 surface water, groundwater, and agricultural in-  
8 puts on or associated with land described in  
9 subparagraph (A).

10 (2) COMMERCIAL FARM.—The term “commer-  
11 cial farm” means a farm on which a person pro-  
12 duces any farm product with the intent that the  
13 farm product be sold or otherwise disposed of to  
14 generate income.

15 (3) ELIGIBLE GOVERNMENT.—The term “eligi-  
16 ble government” means—

- 17 (A) a State;
- 18 (B) the District of Columbia;
- 19 (C) a territory of the United States; and
- 20 (D) an Indian Tribe.

21 (4) FARM PRODUCT.—

22 (A) IN GENERAL.—The term “farm prod-  
23 uct” means any plant or animal that is useful  
24 to humans.

1 (B) INCLUSIONS.—The term “farm prod-  
2 uct” includes—

- 3 (i) forages;
- 4 (ii) sod crops;
- 5 (iii) grains;
- 6 (iv) food crops;
- 7 (v) dairy products;
- 8 (vi) poultry and poultry products;
- 9 (vii) bees;
- 10 (viii) livestock and livestock products;
- 11 (ix) products of aquaculture;
- 12 (x) fruits;
- 13 (xi) berries;
- 14 (xii) vegetables;
- 15 (xiii) flowers;
- 16 (xiv) seeds;
- 17 (xv) grasses;
- 18 (xvi) Christmas trees; and
- 19 (xvii) other similar products, as deter-  
20 mined by the Secretary.

21 (5) PERFLUOROALKYL OR POLYFLUOROALKYL  
22 SUBSTANCE; PFAS.—The term “perfluoroalkyl or  
23 polyfluoroalkyl substance” or “PFAS” means a  
24 chemical that—

25 (A) contains at least one of—

1 (i)  $R-(CF_2)-CF(R')R''$ , where both  
 2 the  $CF_2$  and  $CF$  moieties are saturated  
 3 carbons, and none of the  $R$  groups can be  
 4 hydrogen;

5 (ii)  $R-CF_2OCF_2-R'$ , where both the  
 6  $CF_2$  moieties are saturated carbons, and  
 7 none of the  $R$  groups can be hydrogen; or

8 (iii)  $CF_3C(CF_3)RR'$ , where all the  
 9 carbons are saturated, and none of the  $R$   
 10 groups can be hydrogen; or

11 (B) is covered by the most recent working  
 12 definition of PFAS issued by the Administrator  
 13 of the Environmental Protection Agency.

14 (6) PROGRAM.—The term “program” means  
 15 the program established under section 3(a).

16 (7) SECRETARY.—The term “Secretary” means  
 17 the Secretary of Agriculture.

18 (8) SEPTAGE.—The term “septage” means  
 19 waste, refuse, effluent, sludge, and any other mate-  
 20 rials from septic tanks, cesspools, or any other simi-  
 21 lar facilities.

22 (9) SLUDGE.—The term “sludge” means—

23 (A) solid, semisolid, or liquid waste gen-  
 24 erated from a municipal, commercial, or indus-  
 25 trial—

- 1 (i) wastewater treatment plant;  
2 (ii) water supply treatment plant; or  
3 (iii) wet process air pollution control  
4 facility; and  
5 (B) any other waste having similar charac-  
6 teristics and effect.

7 **SEC. 3. ESTABLISHMENT.**

8 (a) IN GENERAL.—The Secretary shall establish a  
9 program under which the Secretary shall provide grants  
10 to eligible governments for the purposes described in sec-  
11 tion 4(a).

12 (b) ELIGIBILITY.—

13 (1) IN GENERAL.—To be eligible to receive a  
14 grant under the program, the territory of an eligible  
15 government shall contain—

16 (A) agricultural land that contains any soil  
17 with levels of PFAS that the Secretary, in co-  
18 ordination with the Administrator of the Envi-  
19 ronmental Protection Agency, determines to be  
20 unsafe; or

21 (B) water used for the production of farm  
22 products with levels of PFAS that the Adminis-  
23 trator of the Environmental Protection Agency,  
24 in coordination with the Secretary, determines  
25 to be unsafe.

1           (2) CONSIDERATION.—In determining the eligi-  
2           bility of an eligible government for a grant under the  
3           program, the Secretary, in consultation with the Ad-  
4           ministrator of the Environmental Protection Agency,  
5           shall consider State standards and limitations relat-  
6           ing to soil and water.

7           (c) APPLICATIONS.—

8           (1) IN GENERAL.—To receive a grant under the  
9           program, the department of agriculture or similar  
10          agency of an eligible government shall submit to the  
11          Secretary an application at such time, in such man-  
12          ner, and containing such information as the Sec-  
13          retary may require.

14          (2) SPEND PLAN.—An application submitted  
15          under paragraph (1) shall contain a plan describing  
16          how the eligible government will administer the  
17          funding received under the program, including fund-  
18          ing priorities and oversight.

19          (d) SET-ASIDE.—Each year, the Secretary shall pro-  
20          vide not less than 30 percent of the total funding provided  
21          under the program to 1 or more eligible governments with  
22          a population of less than 3,000,000.

1 **SEC. 4. PURPOSES.**

2 (a) IN GENERAL.—An eligible government may use  
3 a grant received under the program to provide funding for  
4 any of the following purposes:

5 (1) Monitoring (including through blood serum  
6 testing) the PFAS-related health complications of a  
7 person, and members of the household of that per-  
8 son, if agricultural land the person lives or works on  
9 is found to be contaminated by PFAS.

10 (2) Buying, selling, or providing compensation  
11 for agricultural land or farm products found,  
12 through test results provided to the eligible govern-  
13 ment, to be contaminated by PFAS, including costs  
14 associated with the depopulation or disposal of farm  
15 products, premortem or postmortem.

16 (3) Investing in agricultural equipment, facili-  
17 ties, and infrastructure to ensure that agricultural  
18 land that, or a commercial farm any agricultural  
19 land of which, is found to be contaminated by PFAS  
20 maintains profitability while the producers on the  
21 agricultural land, in response to the PFAS contami-  
22 nation—

23 (A) transition to an alternative production  
24 system; or

25 (B) implement remediation strategies (in-  
26 cluding disposal), technological adaptations, or

1 other modifications to the operations of the ag-  
2 ricultural land or commercial farm.

3 (4) Assisting the producers on agricultural land  
4 that, or a commercial farm any agricultural land of  
5 which, is found to be contaminated by PFAS in de-  
6 veloping an enterprise budget for—

7 (A) alternative production systems;

8 (B) remediation strategies;

9 (C) technological adaptations;

10 (D) transitioning to an alternative revenue  
11 stream; or

12 (E) relocating a farming operation to new  
13 agricultural land.

14 (5) Providing financial assistance to a person  
15 the commercial farm of which is found to be con-  
16 taminated by PFAS, including income replacement.

17 (6) Evaluating and expanding the capacity of  
18 PFAS testing and data management in the territory  
19 of the eligible government.

20 (7) Conducting research that—

21 (A) supports short-term farm management  
22 decisions with respect to agricultural land that  
23 has been contaminated by PFAS; and

24 (B) assesses future options for viable uses  
25 of agricultural land and water used for agricul-



1 tural production that has been contaminated by  
2 PFAS.

3 (8) Conducting research that quantifies the im-  
4 pact of PFAS on commercial farms and agricultural  
5 communities in the territory of the eligible govern-  
6 ment.

7 (9) Conducting research on—

8 (A) soil and water remediation systems;

9 (B) the viability of those systems for  
10 PFAS-contaminated commercial farms;

11 (C) the composting or disposal of PFAS-  
12 contaminated crops or livestock;

13 (D) implementing alternative production  
14 systems in response to PFAS contamination;

15 (E) the PFAS uptake of various farm  
16 products; and

17 (F) food safety relating to PFAS contami-  
18 nation.

19 (10) Developing and implementing educational  
20 programs for owners of agricultural land, including  
21 determining best practices for—

22 (A) informing residents about the potential  
23 of being near or on a site on which sludge or  
24 septage application was licensed or permitted by

1 the eligible government or the Federal Govern-  
2 ment; and

3 (B) providing information and guidance on  
4 buying or selling agricultural land on which  
5 sludge or septage was applied.

6 (11) Long-term monitoring of agricultural land  
7 contaminated by PFAS and establishing a cor-  
8 responding centralized data repository.

9 (12) Assisting owners and operators of commer-  
10 cial farms not directly affected by PFAS contamina-  
11 tion with marketing efforts whose branding and  
12 marketing may be affected by the public perception  
13 of PFAS contamination in the territory of the eligi-  
14 ble government.

15 (13) Voluntary testing of farm products, agri-  
16 cultural land, or other locations that are suspected  
17 to be contaminated with PFAS.

18 (b) PRIORITY.—

19 (1) IN GENERAL.—In using funding received  
20 under the program, an eligible government shall  
21 prioritize purposes that directly assist producers who  
22 are experiencing financial losses due to agricultural  
23 PFAS contamination.

24 (2) DEPARTMENT OF AGRICULTURE PRI-  
25 ORITY.—In providing grants under the program, the

1 Secretary shall prioritize the provision of grants to  
2 eligible governments that will use the grant funds  
3 for the purposes described in paragraphs (3)  
4 through (5) of subsection (a).

5 **SEC. 5. REPORTS.**

6 Each year of the period of a grant received under  
7 the program, the department of agriculture or similar  
8 agency of an eligible government shall submit to the Sec-  
9 retary and Congress a report describing—

10 (1) the uses of the grant during the previous  
11 year, including—

12 (A) the purposes described in section 4(a)  
13 for which the grant was used;

14 (B) the amount of the grant allocated to  
15 each purpose described in section 4(a); and

16 (C) the extent to which the funding re-  
17 ceived under the program, including funding  
18 priorities and oversight, was administered in ac-  
19 cordance with the plan described in section  
20 3(e)(2);

21 (2) any additional needs identified by agricul-  
22 tural producers in the territory of the eligible gov-  
23 ernment; and

24 (3) any additional information the Secretary de-  
25 termines to be appropriate.

1 **SEC. 6. TASK FORCE.**

2 The Secretary shall establish a task force composed  
3 of officers or employees of the Department of Agri-  
4 culture—

5 (1) to provide advice to the Secretary relating  
6 to whether addressing PFAS contamination should  
7 be added as an eligible activity under each program  
8 of the Department of Agriculture;

9 (2) to evaluate necessary actions for farms al-  
10 ready enrolled in a Department of Agriculture pro-  
11 gram where PFAS is detected; and

12 (3) to provide technical assistance to eligible  
13 governments in addressing PFAS contamination.

14 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to the Sec-  
16 retary to carry out this Act \$500,000,000 for the period  
17 of fiscal years 2024 through 2028.

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