

118TH CONGRESS
1ST SESSION

S. 3127

To amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging, to improve the responsibility of producers in the design, collection, reuse, recycling, and disposal of consumer products and packaging, to prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2023

Mr. MERKLEY (for himself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. DURBIN, Mrs. GILLIBRAND, Mr. MARKEY, Mrs. MURRAY, Mr. SANDERS, Mr. VAN HOLLEN, Ms. WARREN, Mr. WELCH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Solid Waste Disposal Act to reduce the production and use of certain single-use plastic products and packaging, to improve the responsibility of producers in the design, collection, reuse, recycling, and disposal of consumer products and packaging, to prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Break Free From Plastic Pollution Act of 2023”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—EXTENDED RESPONSIBILITY FOR BEVERAGE
CONTAINERS AND PACKAGING**

Sec. 101. Extended responsibility for beverage containers and packaging.

TITLE II—PROTECTING COMMUNITIES FROM PLASTICS

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Definitions.

Sec. 204. Environmental justice protections at covered facilities.

Sec. 205. Microplastics research and directives.

Sec. 206. Reducing single-use plastics in agriculture.

TITLE III—PLASTIC PELLET-FREE WATERS

Sec. 301. Effluent limitations for wastewater, spills, and runoff from plastic polymer production facilities, plastic molding and forming facilities, and other point sources associated with the transport and packaging of plastic pellets or other preproduction plastic materials.

6 **TITLE I—EXTENDED RESPONSIBILITY FOR BEVERAGE CON-**
7 **TAINERS AND PACKAGING**

9 **SEC. 101. EXTENDED RESPONSIBILITY FOR BEVERAGE**
10 **CONTAINERS AND PACKAGING.**

11 (a) **IN GENERAL.**—The Solid Waste Disposal Act (42
12 U.S.C. 6901 et seq.) is amended by adding at the end
13 the following:

1 **“Subtitle K—Extended Responsi-**
2 **bility for Beverage Containers**
3 **and Packaging**

4 **“SEC. 12001. DEFINITIONS.**

5 “In this subtitle:

6 “(1) **ADVISORY COMMITTEE.**—The term ‘advi-
7 sory committee’ means an advisory committee estab-
8 lished by the Administrator under section 12106(a).

9 “(2) **BEVERAGE.**—

10 “(A) **IN GENERAL.**—The term ‘beverage’
11 means any drinkable liquid intended for human
12 oral consumption, including—

13 “(i) water;

14 “(ii) flavored water;

15 “(iii) soda water;

16 “(iv) mineral water;

17 “(v) beer;

18 “(vi) a malt beverage;

19 “(vii) a carbonated soft drink;

20 “(viii) liquor;

21 “(ix) tea;

22 “(x) coffee;

23 “(xi) hard cider;

24 “(xii) fruit juice;

25 “(xiii) an energy or sports drink;

1 “(xiv) coconut water;

2 “(xv) wine;

3 “(xvi) a yogurt drink;

4 “(xvii) a probiotic drink;

5 “(xviii) a wine cooler; and

6 “(xix) any other beverage determined
7 to be appropriate by the Administrator.

8 “(B) EXCLUSIONS.—The term ‘beverage’
9 does not include—

10 “(i) a drug regulated under the Fed-
11 eral Food, Drug, and Cosmetic Act (21
12 U.S.C. 301 et seq.);

13 “(ii) infant formula; or

14 “(iii) a meal replacement liquid.

15 “(3) BEVERAGE CONTAINER.—

16 “(A) IN GENERAL.—The term ‘beverage
17 container’ means a prepackaged container
18 that—

19 “(i) is designed to hold a beverage;

20 “(ii) is made of any material, includ-
21 ing glass, plastic, and metal; and

22 “(iii) has a volume of not more than
23 3 liters.

24 “(B) EXCLUSIONS.—The term ‘beverage
25 container’ does not include—

- 1 “(i) a carton;
2 “(ii) a pouch; or
3 “(iii) aseptic packaging, such as a
4 drink box.

5 “(4) BRAND.—

6 “(A) IN GENERAL.—The term ‘brand’
7 means any mark, word, name, symbol, design,
8 device, or graphic element that—

9 “(i) identifies a product; and

10 “(ii) distinguishes the product from
11 other products.

12 “(B) INCLUSIONS.—The term ‘brand’ in-
13 cludes—

14 “(i) any combination of 2 or more
15 marks, words, names, symbols, designs, de-
16 vices, or graphic elements described in sub-
17 paragraph (A); and

18 “(ii) any registered or unregistered
19 trademark.

20 “(5) COMPOSTABLE.—

21 “(A) IN GENERAL.—The term
22 ‘compostable’, with respect to a covered product
23 described in subparagraph (B), means that the
24 covered product—

1 “(i)(I) meets the ASTM International
2 standard specification for compostable
3 products numbered D6400 or D6868—

4 “(aa) as in effect on the date of
5 enactment of this subtitle; or

6 “(bb) as revised after the date of
7 enactment of this subtitle, if the revi-
8 sion is approved by the Administrator;
9 and

10 “(II) is labeled to reflect that the cov-
11 ered product meets a standard described in
12 subclause (I);

13 “(ii) is certified as a compostable
14 product by an independent third party that
15 is approved by the Administrator; or

16 “(iii) comprises only wood or natural
17 fiber, without any—

18 “(I) coating;

19 “(II) additive; or

20 “(III) effective beginning on Feb-
21 ruary 1, 2025, toxic substance.

22 “(B) DESCRIPTION OF COVERED PROD-
23 UCTS.—The covered products referred to in
24 subparagraph (A) are covered products other
25 than—

1 “(i) paper; and

2 “(ii) effective beginning on February
3 1, 2025, a covered product that contains a
4 toxic substance.

5 “(6) COVERED PRODUCT.—

6 “(A) IN GENERAL.—The term ‘covered
7 product’, regardless of recyclability,
8 compostability, or material type, means—

9 “(i) packaging;

10 “(ii) a food service product;

11 “(iii) paper; and

12 “(iv) a single-use product that is not
13 subject to a prohibition under section
14 12202 or 12203.

15 “(B) EXCLUSIONS.—The term ‘covered
16 product’ does not include—

17 “(i) a beverage container; or

18 “(ii) any product subject to an ex-
19 tended responsibility program at the State
20 level, as determined by the Administrator.

21 “(7) ENVIRONMENTAL JUSTICE.—The term
22 ‘environmental justice’ means the fair treatment and
23 meaningful involvement of all individuals, regardless
24 of race, color, national origin, educational level, or
25 income, with respect to the development, implemen-

1 tation, and enforcement of environmental laws, regu-
2 lations, and policies to ensure that—

3 “(A) full access to public information and
4 opportunities for meaningful public participa-
5 tion with respect to human health and environ-
6 mental planning, regulations, and enforcement
7 is provided to each census tract and census
8 block group—

9 “(i) the percentage of population of
10 people of color of which is not less than the
11 average percentage of population of people
12 of color in the State in which the tract or
13 block group is located; or

14 “(ii) the percentage of population of
15 households with an income of not more
16 than twice the Federal poverty level of
17 which is not less than the percentage of
18 population of those households in the ap-
19 plicable State;

20 “(B) no census tract or census block group
21 described in subparagraph (A) is exposed to a
22 disproportionate burden of the negative human
23 health and environmental impacts of pollution
24 or other environmental hazards; and

1 “(C) the 17 principles described in the doc-
2 ument entitled ‘The Principles of Environ-
3 mental Justice’, written and adopted at the
4 First National People of Color Environmental
5 Leadership Summit convened on October 24
6 through 27, 1991, in Washington, DC, are
7 upheld.

8 “(8) FOOD SERVICE PRODUCT.—The term ‘food
9 service product’ means an item intended to deliver a
10 food product, regardless of the recyclability or
11 compostability of the item, including—

12 “(A) a utensil;

13 “(B) a straw;

14 “(C) a stirrer;

15 “(D) a drink cup;

16 “(E) a drink lid;

17 “(F) a food package;

18 “(G) a food container;

19 “(H) a hinged or lidded container (com-
20 monly known as a ‘clamshell’);

21 “(I) a plate;

22 “(J) a bowl;

23 “(K) a meat, fish, seafood, or vegetable
24 tray;

25 “(L) a food wrapper; and

1 “(M) a beverage container.

2 “(9) ORGANIZATION.—The term ‘Organization’
3 means a Producer Responsibility Organization de-
4 scribed in section 12102(a)(1).

5 “(10) PACKAGING.—

6 “(A) IN GENERAL.—The term ‘packaging’
7 means—

8 “(i) any package or container, regard-
9 less of recyclability or compostability; and

10 “(ii) any separable and distinct mate-
11 rial component, regardless of recyclability
12 or compostability, used for the contain-
13 ment, protection, handling, delivery, and
14 presentation of goods that are sold, offered
15 for sale, or distributed to consumers in the
16 United States, including through an inter-
17 net transaction.

18 “(B) INCLUSIONS.—The term ‘packaging’
19 includes—

20 “(i) an item described in subpara-
21 graph (A) that is—

22 “(I) sales packaging or primary
23 packaging intended for the consumer
24 market;

1 “(II) service packaging designed
2 and intended to be used or filled at
3 the point of sale, such as carry-out
4 bags, bulk good bags, take-out bags,
5 and home delivery food service prod-
6 ucts;

7 “(III) secondary packaging used
8 to group products for multiunit sale;
9 or

10 “(IV) tertiary packaging used for
11 transportation or distribution directly
12 to a consumer; and

13 “(ii) any ancillary element that is—

14 “(I) hung on, or attached to, a
15 product; and

16 “(II) performing a packaging
17 function.

18 “(C) EXCLUSION.—The term ‘packaging’
19 does not include an item described in subpara-
20 graph (A) or (B) that—

21 “(i) is used for the long-term protec-
22 tion or storage of a product; and

23 “(ii) has a useful life of not less than
24 5 years, as determined by the Adminis-
25 trator.

1 “(11) PAPER.—

2 “(A) IN GENERAL.—The term ‘paper’
3 means a paper product that is sold, offered for
4 sale, delivered, or distributed to a consumer or
5 business in the United States.

6 “(B) INCLUSIONS.—The term ‘paper’ in-
7 cludes—

8 “(i) newsprint and inserts;

9 “(ii) magazines and catalogs;

10 “(iii) direct mail;

11 “(iv) office paper; and

12 “(v) telephone directories.

13 “(C) EXCLUSIONS.—The term ‘paper’ does
14 not include—

15 “(i) a paper product that, due to the
16 intended use of the product, could become
17 unsafe or unsanitary to recycle; or

18 “(ii) a bound book.

19 “(12) PLAN.—The term ‘Plan’ means a Prod-
20 uct Stewardship Plan of an Organization under sec-
21 tion 12103(a).

22 “(13) PLASTIC.—

23 “(A) IN GENERAL.—The term ‘plastic’
24 means a synthetic or semisynthetic material
25 that is—

1 “(i) synthesized by the polymerization
2 of organic substances; and

3 “(ii) capable of being shaped into var-
4 ious rigid and flexible forms.

5 “(B) INCLUSIONS.—The term ‘plastic’ in-
6 cludes any coating or adhesive described in sub-
7 paragraph (A).

8 “(14) PLASTIC COMPONENT.—The term ‘plastic
9 component’ means an item that—

10 “(A) is composed wholly or partially of
11 plastic; and

12 “(B) comprises—

13 “(i) the entirety of a covered product;
14 or

15 “(ii) an element of a covered product
16 that is detachable on or after use of the
17 covered product.

18 “(15) POST-CONSUMER RECYCLED MATE-
19 RIAL.—

20 “(A) IN GENERAL.—The term ‘post-con-
21 sumer recycled material’ means new material
22 produced using material resulting from the re-
23 covery, separation, collection, and reprocessing
24 of material that—

1 “(i) was originally sold for consump-
2 tion; and

3 “(ii) would otherwise be disposed of or
4 processed as waste.

5 “(B) EXCLUSIONS.—The term ‘post-con-
6 sumer recycled material’ does not include—

7 “(i) post-industrial material;

8 “(ii) preconsumer material; or

9 “(iii) a material or byproduct—

10 “(I) generated by means of ad-
11 vanced recycling, chemical recycling,
12 combustion, gasification, incineration,
13 pyrolysis, solvolysis, thermal
14 desorption, waste-to-energy, waste-to-
15 fuel, or any other chemical or molec-
16 ular conversion process; or

17 “(II) generated from, and com-
18 monly reused within, an original man-
19 ufacturing and fabrication process.

20 “(16) PRODUCER.—

21 “(A) IN GENERAL.—The term ‘producer’
22 means an entity that—

23 “(i)(I) manufactures a covered prod-
24 uct or beverage container; and

1 “(II) owns, or is a licensee of, the
2 brand or trademark under which that cov-
3 ered product or beverage container is—

4 “(aa) used in a commercial enter-
5 prise in the United States;

6 “(bb) sold or offered for sale in
7 the United States; or

8 “(cc) distributed in the United
9 States;

10 “(ii) if no entity described in clause
11 (i) exists with respect to a covered product
12 or beverage container, owns or, if the
13 owner is not located in the United States,
14 is the exclusive licensee of a brand or
15 trademark under which the covered prod-
16 uct or beverage container is used in a com-
17 mercial enterprise, sold or offered for sale,
18 or distributed, in the United States; or

19 “(iii) if no entity described in clause
20 (i) or (ii) exists with respect to a covered
21 product or beverage container, sells, offers
22 for sale, or distributes the covered product
23 or beverage container in the United States.

24 “(B) EXCLUSION.—The term ‘producer’
25 does not include an entity that produces, har-

1 vests, and packages an agricultural commodity
2 on the site where the agricultural commodity
3 was grown or raised.

4 “(C) RELATED DEFINITIONS.—For pur-
5 poses of subparagraph (A):

6 “(i) LICENSEE.—The term ‘licensee’
7 means an entity that holds the exclusive
8 right to use a trademark or brand in the
9 United States in connection with the man-
10 ufacture, sale, or distribution of a covered
11 product or beverage container.

12 “(ii) MANUFACTURE.—The term
13 ‘manufacture’, with respect to a beverage
14 container, means to bottle, can, or other-
15 wise fill a beverage container for sale to—

16 “(I) distributors distributing bev-
17 erage containers to retailers;

18 “(II) importers; or

19 “(III) retailers.

20 “(iii) SALE.—The term ‘sale’ includes
21 the delivery of a covered product or bev-
22 erage container to a purchaser in the
23 United States.

1 “(17) PRODUCT LINE.—The term ‘product line’
2 means a group of related products marketed under
3 a single brand name that—

4 “(A) is sold, offered for sale, or distributed
5 by a distributor in the United States, including
6 through an internet transaction; and

7 “(B) is used by the distributor for the pur-
8 pose of distinguishing those products from
9 other, similar products for better usability for
10 consumers.

11 “(18) PROHIBITED PLASTIC PACKAGING.—The
12 term ‘prohibited plastic packaging’ means plastic
13 packaging that—

14 “(A) contains a nondetectable pigment,
15 such as carbon black;

16 “(B) is rigid and is composed wholly or
17 partially of polyethylene terephthalate glycol;

18 “(C) is composed wholly or partially of pol-
19 styrene, including expanded polystyrene;

20 “(D) is composed wholly or partially of
21 polyvinyl chloride, including polyvinylidene chlo-
22 ride;

23 “(E) contains an oxodegradable additive,
24 including an oxobiodegradable additive; or

1 “(F) contains a problematic label construc-
2 tion that hinders recycling or makes the pack-
3 aging nonrecyclable, including adhesives, inks,
4 materials, and design features.

5 “(19) RECYCLABLE.—The term ‘recyclable’,
6 with respect to a covered product or a beverage con-
7 tainer, means that the covered product or beverage
8 container—

9 “(A) can be economically and technically
10 recycled in current United States market condi-
11 tions;

12 “(B) is collected pursuant to 1 or more re-
13 cycling programs covering not less than 60 per-
14 cent of the population of the United States;

15 “(C) can be sorted into 1 or more recy-
16 cling-process defined streams that are sent to,
17 and reclaimed at, a reclaiming facility in ac-
18 cordance with the applicable requirements of
19 the Basel Convention on the Control of Trans-
20 boundary Movements of Hazardous Wastes and
21 Their Disposal, done at Basel, Switzerland,
22 March 22, 1989;

23 “(D) does not include an attached compo-
24 nent, such as a shrink sleeve, label, or filter,
25 that is required to be removed by a consumer

1 before the covered product or beverage con-
2 tainer can be recycled; and

3 “(E)(i) in the case of plastic packaging, is
4 designed not to include any component, ink, ad-
5 hesive, or label that prevents recycling of the
6 plastic packaging according to the most-recent
7 design guide published by the Association of
8 Plastic Recyclers; and

9 “(ii) in the case of nonplastic packaging or
10 any other covered product—

11 “(I) is designed to meet the require-
12 ments of subparagraphs (A) through (D);
13 and

14 “(II) does not include any component,
15 ink, adhesive, or label that prevents recy-
16 cling of the covered product or nonplastic
17 packaging.

18 “(20) RECYCLE.—

19 “(A) IN GENERAL.—The term ‘recycle’
20 means the series of activities by which a cov-
21 ered product or beverage container is—

22 “(i) collected, sorted, and processed;
23 and

24 “(ii)(I) converted into a raw material
25 with minimal loss of material quality;

1 “(II) used in the production of a new
 2 product, including the original covered
 3 product or beverage container; or

4 “(III) in the case of composting or or-
 5 ganic recycling, productively used for soil
 6 improvement.

7 “(B) EXCLUSIONS.—The term ‘recycle’
 8 does not include—

9 “(i) a method of sorting, processing,
 10 and aggregating materials from solid waste
 11 that does not preserve original material
 12 quality, as a result of which the aggregated
 13 material—

14 “(I) is no longer usable for—

15 “(aa) the initial purpose; or

16 “(bb) a substantially similar
 17 purpose; and

18 “(II) can only be used for an in-
 19 ferior purpose or product (commonly
 20 referred to as ‘downcycling’);

21 “(ii) the use of waste—

22 “(I) as a fuel or fuel substitute;

23 “(II) for energy production;

24 “(III) for repurposing into infra-
 25 structure, including—

1 “(aa) pavement for streets
2 or sidewalks;

3 “(bb) building materials;
4 and

5 “(cc) other infrastructure
6 projects, as determined by the
7 Administrator;

8 “(IV) for alternate operating
9 cover; or

10 “(V) within the footprint of a
11 landfill; or

12 “(iii) the conversion of waste into an
13 alternative product, such as a chemical,
14 feedstock, fuel, or energy, through—

15 “(I) incineration;

16 “(II) pyrolysis;

17 “(III) hydrolysis;

18 “(IV) methanolysis;

19 “(V) gasification; or

20 “(VI) a similar technology, as de-
21 termined by the Administrator.

22 “(21) REDEEM.—The term ‘redeem’ means to
23 return to a retailer or producer an empty beverage
24 container in exchange for a refund of the applicable
25 amount under section 12108(c).

1 “(22) REDEMPTION CENTER.—The term ‘re-
2 redemption center’ means a facility established under
3 section 12108(e)(2).

4 “(23) REFILLABLE; REUSABLE.—The term ‘re-
5 fillable’ or ‘reusable’, with respect to a beverage con-
6 tainer or covered product, means that the beverage
7 container or covered product is—

8 “(A) explicitly designed and marketed to
9 be used—

10 “(i) by a producer or consumer, mul-
11 tiple times for the same or a similar prod-
12 uct; or

13 “(ii) by a producer, for another pur-
14 poseful packaging use in a supply chain;

15 “(B) designed for durability to function
16 properly in original condition for multiple uses;

17 “(C) mechanically feasible for refill or
18 reuse in current United States market condi-
19 tions;

20 “(D) feasible for refill or reuse for such
21 number of cycles as the Administrator deter-
22 mines to be appropriate to achieve a significant
23 environmental benefit across the lifecycle of the
24 beverage container or covered product, as com-

1 pared to a single-use beverage container or cov-
2 ered product; and

3 “(E) part of a reuse and refill system in
4 the United States under which not less than 95
5 percent of beverage containers are returned to
6 distributors for reuse and refill.

7 “(24) RESPONSIBLE END MARKET.—The term
8 ‘responsible end market’ means a material market in
9 which the recycling or recovery of materials or the
10 disposal of contaminants is conducted in a manner
11 that, as determined by the Administrator—

12 “(A) benefits the environment; and

13 “(B) minimizes risks to—

14 “(i) public health; and

15 “(ii) worker health and safety.

16 “(25) RESTAURANT.—

17 “(A) IN GENERAL.—The term ‘restaurant’
18 means an establishment the primary business of
19 which is the preparation of food or beverages
20 for consumption by the public—

21 “(i) in a form and quantity that is
22 consumable immediately at the establish-
23 ment, regardless of whether a purchased
24 food or beverage is consumed on-premises;
25 or

1 “(ii) in a consumable form for con-
2 sumption off-premises.

3 “(B) INCLUSION.—The term ‘restaurant’
4 includes a fast food restaurant.

5 “(26) RETAILER.—

6 “(A) IN GENERAL.—The term ‘retailer’
7 means an entity located in the United States
8 that—

9 “(i) engages in the sale of beverage
10 containers or covered products to a con-
11 sumer; or

12 “(ii) provides beverage containers or
13 covered products to an individual or entity
14 in commerce, including provision free of
15 charge, such as at a workplace or event.

16 “(B) INCLUSION.—The term ‘retailer’ in-
17 cludes an entity located in the United States
18 that engages in the sale of, or provides, bev-
19 erage containers as described in subparagraph
20 (A) through a vending machine or similar
21 means.

22 “(27) REUSE AND REFILL SYSTEM.—The term
23 ‘reuse and refill system’ means a set of mechanisms
24 relating to refillable or reusable covered products
25 and beverage containers that is supported by ade-

1 adequate infrastructure at the producer level, and ade-
2 quate and convenient availability and retail infra-
3 structure at the consumer level, to ensure that the
4 covered products and beverage containers can be—

5 “(A) repeatedly recovered, inspected, re-
6 paired (if necessary), and reissued by producers
7 into the supply chain for reuse or refill for mul-
8 tiple cycles; and

9 “(B) conveniently and safely reused or re-
10 filled by producers and consumers for multiple
11 cycles.

12 “(28) SINGLE-USE.—

13 “(A) IN GENERAL.—The term ‘single-use’,
14 with respect to a covered product or a beverage
15 container, means that the covered product or
16 beverage container is routinely disposed of, re-
17 cycled, or otherwise discarded after 1 use.

18 “(B) EXCLUSIONS.—The term ‘single-use’,
19 with respect to a covered product, does not in-
20 clude a covered product that is—

21 “(i) a medical food item, supplement,
22 device, or other product determined by the
23 Secretary of Health and Human Services
24 necessarily to be made of plastic for the
25 protection of public health;

- 1 “(ii) personal protective equipment,
2 including—
- 3 “(I) masks;
- 4 “(II) gloves;
- 5 “(III) face shields; and
- 6 “(IV) other personal protective
7 equipment, as determined by Sec-
8 retary of Health and Human Services;
- 9 “(iii) a personal hygiene product that,
10 due to the intended use of the product,
11 could become unsafe or unsanitary to recy-
12 cle, such as a diaper; or
- 13 “(iv) packaging used for—
- 14 “(I) any product described in
15 clause (i), (ii), or (iii); or
- 16 “(II) the shipment of hazardous
17 materials, and is prohibited from
18 being composed of used materials
19 under section 178.509 or 178.522 of
20 title 49, Code of Federal Regulations
21 (as in effect on the date of enactment
22 of this subtitle).
- 23 “(29) SOURCE REDUCTION.—
- 24 “(A) IN GENERAL.—The term ‘source re-
25 duction’ means a reduction in the quantity of

1 covered products or beverage containers pro-
2 duced by a producer, as compared to a baseline
3 established pursuant to section 12105(b), in-
4 cluding due to—

5 “(i) shifting to reusable or refillable
6 packaging or food service product systems;

7 or

8 “(ii) eliminating unnecessary pack-
9 aging.

10 “(B) EXCLUSIONS.—The term ‘source re-
11 duction’ does not include—

12 “(i) replacing recyclable or
13 compostable single-use plastic packaging or
14 food service products with—

15 “(I) a nonrecyclable or
16 noncompostable single-use plastic
17 packaging or food service products; or

18 “(II) single-use plastic packaging
19 or food service products that are less
20 likely to be recycled or composted; or

21 “(ii) switching from virgin single-use
22 plastic packaging or food service products
23 to plastic post-consumer recycled material.

24 “(30) TOXIC SUBSTANCE.—

1 “(A) IN GENERAL.—The term ‘toxic sub-
2 stance’ means any substance, mixture, or com-
3 pound that—

4 “(i) may cause—

5 “(I) personal injury or disease to
6 humans through ingestion, inhalation,
7 or absorption through any body sur-
8 face; or

9 “(II) adverse impacts on the en-
10 vironment; and

11 “(ii) satisfies 1 or more of the condi-
12 tions described in subparagraph (B).

13 “(B) CONDITIONS.—The conditions re-
14 ferred to in subparagraph (A)(ii) are the fol-
15 lowing:

16 “(i) The substance, mixture, or com-
17 pound is subject to reporting requirements
18 under—

19 “(I) the Emergency Planning
20 and Community Right-To-Know Act
21 of 1986 (42 U.S.C. 11001 et seq.);

22 “(II) the Comprehensive Envi-
23 ronmental Response, Compensation,
24 and Liability Act of 1980 (42 U.S.C.
25 9601 et seq.); or

1 “(III) section 112(r) of the Clean
2 Air Act (42 U.S.C. 7412(r)).

3 “(ii) The National Institute for Occu-
4 pational Safety and Health, the Occupa-
5 tional Safety and Health Administration,
6 the National Toxicology Program, the Cen-
7 ters for Disease Control and Prevention,
8 the Administrator of Health and Human
9 Services, the National Institute for Envi-
10 ronmental Health Sciences, or the Envi-
11 ronmental Protection Agency has estab-
12 lished that the substance, mixture, or com-
13 pound poses an acute or chronic health
14 hazard, including developmental, reproduc-
15 tive, or endocrine effects.

16 “(iii) The National Institute for Occu-
17 pational Safety and Health or the Environ-
18 mental Protection Agency has recognized
19 that the substance, mixture, or compound
20 may increase the risk of developing a la-
21 tent disease.

22 “(iv) The substance, mixture, or com-
23 pound is—

24 “(I) a perfluoroalkyl or
25 polyfluoroalkyl substance;

1 “(II) an orthophthalate;

2 “(III) a bisphenol compound (but
3 not including an alkyl-substituted
4 bisphenol compound generated
5 through a xylenol-aldehyde process);

6 “(IV) a halogenated or nanoscale
7 flame-retardant chemical;

8 “(V) UV 328 (2-(2H-
9 benzotriazol-2-yl)-4,6-di-tert-
10 pentylphenol);

11 “(VI) a chlorinated paraffin;

12 “(VII) listed as a persistent or-
13 ganic pollutant by the Stockholm Con-
14 vention on Persistent Organic Pollut-
15 ants;

16 “(VIII) given an overall carcino-
17 genicity evaluation of Group 1, Group
18 2A, or Group 2B by the International
19 Agency for Research on Cancer; or

20 “(IX) listed as a toxic, poisonous,
21 explosive, corrosive, flammable,
22 ecotoxic, or infectious waste by the
23 Basel Convention on the Control of
24 Transboundary Movements of Haz-
25 ardous Wastes and Their Disposal,

1 done at Basel, Switzerland, March 22,
2 1989.

3 “(v) The substance, mixture, or com-
4 pound is a chemical or chemical class that,
5 as determined by the Administrator, has
6 been identified by a Federal agency, State
7 agency, or international intergovernmental
8 agency as being 1 or more of the following:

9 “(I) A carcinogen, mutagen, re-
10 productive toxicant, immunotoxicant,
11 neurotoxicant, or endocrine disruptor.

12 “(II) A persistent bioaccumula-
13 tive.

14 “(III) A chemical or chemical
15 class that may—

16 “(aa) harm the normal de-
17 velopment of a fetus or child or
18 cause other developmental tox-
19 icity in humans or wildlife;

20 “(bb) harm organs or cause
21 other systemic toxicity; or

22 “(cc) have an adverse im-
23 pact on—

24 “(AA) air quality;

25 “(BB) ecology;

1 “(CC) soil quality; or

2 “(DD) water quality.

3 “(IV) A chemical or chemical
4 class that has toxicity equivalent to
5 the toxicity reflected in a criterion de-
6 scribed in any of subclauses (I)
7 through (III).

8 “(31) UNITED STATES.—The term ‘United
9 States’, when used in a geographical sense, means
10 all of the States.

11 **“PART I—EXTENDED RESPONSIBILITY**

12 **“SEC. 12101. EXTENDED RESPONSIBILITY.**

13 “(a) PARTICIPATION IN ORGANIZATION RE-
14 QUIRED.—

15 “(1) IN GENERAL.—Except as provided in sub-
16 section (b), effective beginning on February 1, 2025,
17 each producer of a covered product or beverage con-
18 tainer that is sold, distributed, or imported into the
19 United States shall—

20 “(A) participate as a member of 1 or more
21 Organizations, based on category of covered
22 products or beverage containers, for which a
23 Plan is approved by the Administrator; and

1 “(B) pursuant to that participation,
2 achieve the performance targets described in
3 paragraph (2).

4 “(2) PERFORMANCE TARGETS.—The perform-
5 ance targets referred to in paragraph (1)(B) are the
6 following, with respect to the covered products and
7 beverage containers subject to the responsibility of
8 the applicable producer:

9 “(A) All plastic covered products and bev-
10 erage containers have been subject to source re-
11 duction in accordance with section 12105.

12 “(B) Effective beginning on January 1,
13 2033, all covered products and beverage con-
14 tainers are reusable, recyclable, or compostable.

15 “(C) All covered products and beverage
16 containers achieve compliance with section
17 12113.

18 “(D) The following recycling rates (by cat-
19 egory of covered product or beverage container)
20 are achieved for each covered product and bev-
21 erage container:

22 “(i) Not less than 50 percent by Jan-
23 uary 1, 2030.

24 “(ii) Not less than 65 percent by Jan-
25 uary 1, 2040.

1 “(iii) Not less than 75 percent by
2 January 1, 2050.

3 “(b) EXEMPTIONS.—A producer of a covered product
4 or beverage container, including a producer that operates
5 as a single point of retail sale and is not supplied by, or
6 operated as part of, a franchise, shall not be subject to
7 this part if the producer—

8 “(1)(A) for fiscal year 2023, had an annual rev-
9 enue of less than \$1,000,000; and

10 “(B) for fiscal year 2024 and each fiscal year
11 thereafter, has an annual revenue of less than the
12 applicable amount under section 12108(c) during
13 the preceding fiscal year, as adjusted to reflect
14 changes for the 12-month period ending on the pre-
15 ceding November 30 in the Consumer Price Index
16 for All Urban Consumers published by the Bureau
17 of Labor Statistics of the Department of Labor; or

18 “(2) is the producer of less than 1 ton of cov-
19 ered products or beverage containers in commerce
20 each year.

21 “(c) ENFORCEMENT.—

22 “(1) PROHIBITION.—Except as provided in sub-
23 section (b), it shall be unlawful for any producer to
24 sell, use, or distribute any covered product or bev-

1 erage container in commerce except in compliance
2 with this part.

3 “(2) CIVIL PENALTY.—A producer that violates
4 paragraph (1) shall be subject to a fine—

5 “(A) for each violation;

6 “(B) for each day that a violation occurs;

7 and

8 “(C) in an aggregate amount of not more
9 than \$70,117.

10 “(3) INJUNCTIVE RELIEF.—The Administrator
11 may bring a civil action to enjoin the sale, distribu-
12 tion, or importation into the United States of a cov-
13 ered product or beverage container in violation of
14 this part.

15 “(4) STATE ENFORCEMENT.—The Adminis-
16 trator may permit a State to carry out enforcement
17 under paragraph (2) or (3) if the Administrator de-
18 termines that the State meets such requirements as
19 the Administrator may establish, subject to the con-
20 dition that any fine collected by a State pursuant to
21 paragraph (2) shall be deposited in the Reduction
22 and Litter Cleanup Trust Fund established by sec-
23 tion 12112(b).

1 “(d) CATEGORIES.—The Administrator, in consulta-
 2 tion with Organizations, shall promulgate regulations to
 3 establish, for purposes of this part—

4 “(1) such categories of covered products as the
 5 Administrator determines to be appropriate; and

6 “(2) a single category for beverage containers.

7 “(e) INAPPLICABILITY OF ANTITRUST LAWS.—The
 8 antitrust laws (as defined in the first section of the Clay-
 9 ton Act (15 U.S.C. 12)) shall not apply to a producer or
 10 Organization that carries out any activity in accordance
 11 with an approved Plan if the activity is necessary to de-
 12 velop and implement the Plan.

13 “(f) REGULATIONS.—Not later than 1 year after the
 14 date of enactment of this subtitle, the Administrator shall
 15 promulgate such regulations as the Administrator deter-
 16 mines to be necessary to implement, administer, and en-
 17 force this part, including methods and processes for—

18 “(1) collecting information necessary to ensure
 19 an accurate baseline under section 12105(b); and

20 “(2) determining compliance with the require-
 21 ments of this part.

22 **“SEC. 12102. PRODUCER RESPONSIBILITY ORGANIZATIONS.**

23 “(a) PARTICIPATION.—

24 “(1) IN GENERAL.—For each category of cov-
 25 ered products or beverage containers sold, distrib-

1 uted, or imported into the United States by a pro-
2 ducer, the producer shall establish a new, or join an
3 existing, Producer Responsibility Organization.

4 “(2) MULTIPLE ORGANIZATIONS.—A producer
5 may participate in—

6 “(A) more than 1 Organization, if each
7 Organization is established for a different cat-
8 egory of covered products or beverage con-
9 tainers subject to the responsibility of the pro-
10 ducer; but

11 “(B)(i) only 1 national Organization with
12 respect to each category of covered products;

13 “(ii) only 1 national Organization with re-
14 spect to beverage containers; and

15 “(iii) only 1 regional Organization with re-
16 spect to beverage containers and each category
17 of covered products for each region in which the
18 beverage containers or covered products, respec-
19 tively, are sold.

20 “(3) NEW PRODUCERS.—

21 “(A) IN GENERAL.—A producer that com-
22 mences operation in the United States, or that
23 produces a covered product or beverage con-
24 tainer that is new to the producer in the United
25 States, after the date of approval of Organiza-

1 tions under subsection (b) shall establish a new,
2 or join an existing, Organization for the appli-
3 cable category of covered products or beverage
4 containers.

5 “(B) APPROVAL.—A new Organization es-
6 tablished pursuant to subparagraph (A) shall be
7 approved or disapproved by the Administrator
8 in accordance with subsection (b).

9 “(b) APPROVAL BY ADMINISTRATOR.—

10 “(1) IN GENERAL.—The establishment of an
11 Organization pursuant to subsection (a) shall be
12 subject to the approval of the Administrator.

13 “(2) APPLICATION.—Not later than January 1,
14 2025, the governing body of each Organization shall
15 submit to the Administrator an application describ-
16 ing the means by which the Organization meets the
17 criteria described in paragraph (3).

18 “(3) CRITERIA.—The Administrator may ap-
19 prove the establishment of an Organization only if
20 the Administrator determines that the Organiza-
21 tion—

22 “(A) has a governing board consisting of
23 producers that represent the diversity of appli-
24 cable covered products or beverage containers,
25 as applicable, in the market; and

1 “(B) demonstrates that the Organization
2 has in effect adequate financial responsibility
3 and financial controls, including fraud preven-
4 tion measures and an audit schedule, to ensure
5 proper management of funds.

6 “(4) ADDITIONAL ORGANIZATIONS.—After Jan-
7 uary 1, 2035, on a determination by the Adminis-
8 trator that additional Organizations would be bene-
9 ficial in satisfying the requirements of this part, the
10 Administrator may approve additional Organizations
11 that meet the requirements of this subsection.

12 “(5) REVOCATION.—

13 “(A) IN GENERAL.—The Administrator
14 shall revoke approval of an Organization under
15 this subsection if the Administrator determines
16 that the Organization—

17 “(i) ceases to meet the requirements
18 of this part, including the criteria de-
19 scribed in paragraph (3); or

20 “(ii) fails to implement and admin-
21 ister an approved Plan in a manner that
22 effectuates the purposes of this part.

23 “(B) REPLACEMENT.—If the Adminis-
24 trator revokes approval of an Organization pur-
25 suant to subparagraph (A), the Administrator

1 may approve 1 or more additional Organiza-
2 tions to carry out the responsibilities of the re-
3 voked Organization under this part for the ap-
4 plicable category of covered products or bev-
5 erage containers, subject to the criteria de-
6 scribed in paragraph (3).

7 “(c) DUTIES.—An Organization shall act as an
8 agent, and on behalf, of each producer that is a member
9 of the Organization to carry out the responsibilities of the
10 producer under this part with respect to the applicable
11 category of covered products or beverage containers.

12 “(d) COORDINATION.—If more than 1 Organization
13 is established under subsection (a) with respect to a cat-
14 egory of covered products or beverage containers, the Ad-
15 ministrators shall, as necessary, establish a process to re-
16 quire coordination among those Organizations.

17 “(e) NONPROFIT STATUS.—Each Organization shall
18 be—

19 “(1) established and operated as an organiza-
20 tion described in section 501(c)(3) of the Internal
21 Revenue Code of 1986; and

22 “(2) exempt from taxation under 501(a) of that
23 Code.

1 **“SEC. 12103. PRODUCT STEWARDSHIP PLANS.**

2 “(a) IN GENERAL.—Not later than 180 days after
3 the date on which an Organization is approved under sec-
4 tion 12102(b), the Organization shall develop and submit
5 to the Administrator a Product Stewardship Plan, to-
6 gether with a budget, that describes the means by which
7 the Organization will carry out the responsibilities of the
8 Organization under this part.

9 “(b) REQUIREMENTS.—

10 “(1) IN GENERAL.—Each Plan shall include, at
11 a minimum—

12 “(A) contact information for the Organiza-
13 tion submitting the Plan;

14 “(B) a list of participating producers rep-
15 resented by the Organization, including indi-
16 vidual contact information for each such pro-
17 ducer;

18 “(C) a description, together with objective
19 and measurable criteria, to the maximum extent
20 practicable, of—

21 “(i) each category of covered products
22 or beverage containers covered by the Plan
23 and the quantity (by number and weight)
24 of each covered product or beverage con-
25 tainer in each category;

1 “(ii) the means by which the Organi-
2 zation will—

3 “(I) meet the criteria described
4 in section 12102(b)(3);

5 “(II) in an economically efficient
6 and practical manner, provide for the
7 necessary infrastructure and viable re-
8 sponsible end markets based on the
9 most-recent needs assessment under
10 section 12107; and

11 “(III) use existing collection pro-
12 grams and reuse, recycling,
13 composting, sorting, and processing
14 infrastructure, to the maximum extent
15 practicable;

16 “(iii) a source reduction plan under
17 section 12105(a);

18 “(iv) the means by which each appli-
19 cable type of covered product or beverage
20 container will be collected to meet the per-
21 formance targets described in section
22 12101(a)(2);

23 “(v) consumer education plans in ac-
24 cordance with section 12111;

1 “(vi) a customer service process, such
2 as a process for answering customer ques-
3 tions and resolving issues;

4 “(vii) sound management practices for
5 worker health and safety;

6 “(viii) the means by which partici-
7 pating producers will work with, improve,
8 and fund existing reuse, recycling,
9 composting, litter cleanup, sorting, and
10 processing infrastructure;

11 “(ix) measures to mitigate fraud; and

12 “(x) the means by which participating
13 producers will consult with the Federal
14 Government, units of State and local gov-
15 ernment, and other stakeholders;

16 “(D) subject to paragraph (2), a budget
17 designed to fully fund the costs to carry out
18 this part, including all costs associated with the
19 implementation of the Plan, including—

20 “(i) reimbursing the Administrator for
21 costs, as required;

22 “(ii) reimbursing members of an advi-
23 sory committee;

24 “(iii) administering the Organization;

25 “(iv) investments—

1 “(I) identified in the source re-
2 duction plan or needs assessment;

3 “(II) to develop sustainable re-
4 sponsible end markets for each cov-
5 ered product or beverage container
6 category included in the Plan; or

7 “(III) otherwise necessary to
8 meet the criteria described in section
9 12102(b)(3); and

10 “(v) environmental mitigation activi-
11 ties;

12 “(E) a structure and schedule for fees paid
13 by participating producers in accordance with
14 section 12104, including the method of calcula-
15 tion of the fee and a description of the process
16 by which the Organization shall collect the fee
17 from those producers; and

18 “(F) a closure or transfer plan to settle
19 the affairs of the Organization that—

20 “(i) ensures that participating pro-
21 ducers will continue to meet the obligations
22 of the producers in the event of—

23 “(I) dissolution of the Organiza-
24 tion; or

1 “(II) revocation of approval by
2 the Administrator; and

3 “(ii) describes a process for notifying
4 the Administrator, relevant advisory com-
5 mittees, and relevant contractors of such a
6 dissolution or revocation.

7 “(2) LIMITATIONS ON BUDGET.—An Organiza-
8 tion may not expend any revenues collected by the
9 Organization—

10 “(A) to pay a civil penalty;

11 “(B) to pay costs associated with litigation
12 between or among producers, the Organization,
13 or units of government;

14 “(C)(i) to provide compensation to a rep-
15 resentative of the Organization relating to the
16 passage, defeat, approval, or modification of
17 proposed Federal, State, or local legislation; or

18 “(ii) for any paid advertisement during a
19 30-day period occurring before or during a Fed-
20 eral, State, or local legislative session for the
21 purposes of encouraging the passage, defeat,
22 approval, or modification of proposed legisla-
23 tion; or

1 “(D) to support or invest in an excluded
2 recycling technology described in subparagraph
3 (B) of section 12001(20).

4 “(c) APPROVAL.—Not later than 90 days after the
5 date of receipt of a Plan under subsection (a), the Admin-
6 istrator shall—

7 “(1) approve or disapprove the Plan; and

8 “(2) notify the applicable Organization of the
9 determination of the Administrator under paragraph
10 (1).

11 “(d) IMPLEMENTATION.—An Organization shall com-
12 mence implementing the Plan of the Organization on the
13 later of—

14 “(1) the date that is 60 days after receiving a
15 notification of approval of the Plan under subsection
16 (c)(2); and

17 “(2) August 1, 2025.

18 “(e) EXPIRATION.—A Plan—

19 “(1) shall expire on the date that is 5 years
20 after the date on which the Plan is approved under
21 subsection (c); and

22 “(2) may be renewed.

23 “(f) REVISIONS.—The Administrator may require a
24 revision to a Plan before the expiration of the Plan under
25 subsection (e)(1) if the Administrator determines that—

1 “(1) the performance targets described in sec-
2 tion 12101(a)(2) are not being met; or

3 “(2) a change in circumstances has occurred
4 that warrants the revision.

5 **“SEC. 12104. MEMBERSHIP FEES.**

6 “(a) ESTABLISHMENT.—

7 “(1) IN GENERAL.—Each Organization shall es-
8 tablish a fee for producers participating in the Orga-
9 nization (referred to in this section as ‘members’) to
10 ensure that—

11 “(A) the requirements of this part are met;
12 and

13 “(B) the Plan of the Organization is com-
14 pletely implemented.

15 “(2) SCHEDULE.—A fee under this subsection
16 shall be assessed in accordance with a schedule de-
17 veloped by the applicable Organization under sub-
18 section (c) to ensure that the budget of the Organi-
19 zation, as included in the Plan of the Organization,
20 is fully funded.

21 “(3) PROHIBITION.—A fee under this sub-
22 section shall not be passed on to any consumer as
23 a separate item on a receipt or invoice.

24 “(b) PAYMENT.—Each member of an Organization
25 shall—

1 “(1) pay to the Organization the fee required
2 under this section; and

3 “(2) on request, provide to the Organization
4 records and other information necessary for the Or-
5 ganization to meet the requirements under this part.

6 “(c) FEE SCHEDULE.—

7 “(1) IN GENERAL.—A fee under this section
8 shall be assessed in accordance with a fee schedule,
9 which shall include the following:

10 “(A) Individual assessments imposed on a
11 member due to unique characteristics of the
12 covered products or beverage containers subject
13 to the responsibility of the member, as de-
14 scribed in paragraph (2).

15 “(B) Any adjustments pursuant to sub-
16 section (d)(2).

17 “(C) Reimbursement to the Administrator
18 for costs.

19 “(D) Reimbursement to a relevant advisory
20 committee.

21 “(E) Fees associated with environmental
22 mitigation activities under section 12112.

23 “(F) The costs of administering the Orga-
24 nization, including the costs associated with

1 staff and the development and implementation
2 of the Plan.

3 “(2) FACTORS.—A fee schedule under para-
4 graph (1) shall be delineated by category of covered
5 product or beverage container, based on the fol-
6 lowing factors:

7 “(A) The costs to ensure each category
8 meets the requirements of this part, subject to
9 the condition that a covered product or bev-
10 verage container that is easier and less expensive
11 to reuse, recycle, or compost, or that is de-
12 signed to be recycled into a similar covered
13 product, beverage container, or material that is
14 easier to be composted, shall be subject to lower
15 fees, including fees that reflect—

16 “(i) costs to develop and sustain via-
17 ble responsible end markets for each cat-
18 egory;

19 “(ii) costs—

20 “(I) to collect, sort, avoid, or re-
21 move contamination; and

22 “(II) to aggregate and transport
23 the covered product or beverage con-
24 tainer into defined streams to support
25 viable responsible end markets for re-

1 manufacturing of the covered product
2 or beverage container through—

3 “(aa) curbside collection; or

4 “(bb) other means;

5 “(iii) costs incurred by local govern-
6 ments or recycling service providers—

7 “(I) to process and transport
8 covered products or beverage con-
9 tainers in a manner and quality suffi-
10 cient for acceptance by viable respon-
11 sible end markets, including costs to
12 reduce or mitigate the rate of inbound
13 contamination by noncertified,
14 compostable products at composting
15 facilities, which may vary by locality;

16 “(II) to carry out waste stream
17 sampling and reporting activities re-
18 quired under this part; and

19 “(III) to provide to ratepayers in-
20 formation relating to improving the
21 preparation and sorting, as needed, of
22 covered products or beverage con-
23 tainers; and

24 “(iv) other costs necessary to imple-
25 ment the Plan and achieve compliance with

1 this part, including ensuring that imple-
2 mentation avoids or minimizes negative en-
3 vironmental or public health impacts on
4 disadvantaged or low-income communities
5 and rural areas.

6 “(B) If recycling or composting of a cov-
7 ered product or beverage container is made
8 more difficult by the incorporation of 1 or more
9 specific elements, including inks, labels, and ad-
10 hesives, that may be detrimental to recycling or
11 composting (as determined in accordance with
12 the design guide of the Association of Plastic
13 Recyclers or another relevant industry associa-
14 tion or criteria established by the Adminis-
15 trator), the fee for that covered product or bev-
16 erage container shall be sufficient to account
17 for the increased cost to manage that covered
18 product or beverage container.

19 “(C) The commodity value of the covered
20 product or beverage container based on an inde-
21 pendent index or the reported commodity value
22 of materials of equivalent quality to the covered
23 product or beverage container.

1 “(D) Costs incurred by the Organization to
2 assist members to meet the source reduction re-
3 quirements under section 12105.

4 “(d) ADJUSTMENTS.—

5 “(1) FEE.—The amount of a fee under sub-
6 section (a) shall be adjusted using malus fees or
7 credits for members, based on any of the following,
8 as applicable:

9 “(A) The percentage of post-consumer re-
10 cycled material in the covered products or bev-
11 erage containers subject to the responsibility of
12 the member, in a manner that ensures that the
13 percentage of post-consumer recycled material
14 shall be validated through an independent third
15 party approved by the Administrator in order to
16 ensure that the percentage exceeds the min-
17 imum requirements for the covered product or
18 beverage container, subject to the condition that
19 the recycled content shall not disrupt the poten-
20 tial for future recycling.

21 “(B) Standardization of packaging mate-
22 rials that simplifies the processing, marketing,
23 sorting, and recycling or composting of covered
24 products or beverage containers.

1 “(C) Any actions carried out by the mem-
 2 ber to accelerate source reduction and invest in
 3 sustained and robust reuse and refill systems
 4 beyond the actions required under section
 5 12105.

6 “(D) Certified compostable covered prod-
 7 ucts or beverage containers that do not contain
 8 toxic substances shall be subject to a reduced
 9 fee, as determined by the Organization.

10 “(2) SCHEDULE.—An Organization shall adjust
 11 the fee schedule under subsection (c)—

12 “(A) not less frequently than once each
 13 year; or

14 “(B) more frequently as necessary to meet
 15 the budget of the Organization, as described in
 16 the Plan.

17 **“SEC. 12105. SINGLE-USE PLASTIC SOURCE REDUCTION RE-**
 18 **QUIREMENTS.**

19 “(a) SOURCE REDUCTION TARGETS.—Each Organi-
 20 zation shall develop and implement a source reduction
 21 plan to achieve the following targets for single-use plastic
 22 covered products and beverage containers:

23 “(1) Not later than January 1, 2032, a source
 24 reduction, as compared to the baseline of the Orga-

1 nization determined under subsection (b), of not less
2 than—

3 “(A) 25 percent, by weight; and

4 “(B) 25 percent, by plastic component.

5 “(2) Not later than January 1, 2040, a source
6 reduction, as compared to the baseline of the Orga-
7 nization determined under subsection (b), of not less
8 than—

9 “(A) 40 percent, by weight; and

10 “(B) 40 percent, by plastic component.

11 “(3) Not later than January 1, 2050, a source
12 reduction, as compared to the baseline of the Orga-
13 nization determined under subsection (b), of not less
14 than—

15 “(A) 50 percent, by weight; and

16 “(B) 50 percent, by plastic component.

17 “(b) BASELINES.—Not later than January 1, 2026,
18 the Administrator shall establish a baseline for purposes
19 of the source reduction requirements under subsection (a),
20 taking into consideration the quantity of single-use plastic
21 covered products and beverage containers (by weight and
22 number of plastic components) sold, offered for sale, or
23 distributed in the United States during calendar year
24 2024.

1 “(c) DATA.—Together with any Plan, update or revision to a Plan, or annual report, each Organization shall submit to the Administrator the following data, disaggregated by participating producer, with respect to the period covered by the Plan, update, revision, or report:

2 “(1) The quantity of plastic covered products and beverage containers sold, offered for sale, or distributed in the United States, including the number of plastic components and weight of the plastic covered products and beverage containers.

3 “(2) The number of plastic components and weight of plastic covered products and beverage containers shifted to refillable or reusable packaging or food service products.

4 “(3) The number of plastic components and weight of plastic covered products and beverage containers eliminated.

5 “(4) The number of plastic components and weight of plastic covered products and beverage containers shifted from plastic covered products or beverage containers to nonplastic covered products or beverage containers.

6 “(5) The number of plastic components and weight of plastic covered products and beverage containers reduced through concentration, right-sizing,

1 and shifting to bulk or large-format packaging that
2 allows consumers to refill residential or commercial
3 reusable containers.

4 “(d) EVALUATIONS.—

5 “(1) IN GENERAL.—Not later than December
6 31, 2048, and not less frequently than once every 5
7 years thereafter, the Administrator shall conduct an
8 evaluation of plastic covered products and beverage
9 containers subject to this section to determine
10 whether actions to achieve greater source reductions
11 are necessary.

12 “(2) REGULATIONS.—If the number of plastic
13 components or weight of plastic covered products or
14 beverage containers has increased during the period
15 covered by an evaluation under paragraph (1), the
16 Administrator shall promulgate regulations to re-
17 quire the applicable Organizations to increase rates
18 of source reduction by—

19 “(A) shifting plastic covered products or
20 beverage containers to reusable or refillable
21 packaging or food service products; or

22 “(B) eliminating plastic components.

23 **“SEC. 12106. ADVISORY COMMITTEES.**

24 “(a) ESTABLISHMENT.—The Administrator shall es-
25 tablish 1 or more advisory committees that reflect a range

1 of interested and engaged stakeholders representing the
2 entire supply chain of covered products and beverage con-
3 tainers, including—

4 “(1) collection service providers;

5 “(2) cleanup service providers;

6 “(3) recyclers;

7 “(4) composters; and

8 “(5) government entities.

9 “(b) COMPOSITION.—

10 “(1) IN GENERAL.—At a minimum, an advisory
11 committee shall include representatives of—

12 “(A) producers, including trade associa-
13 tions;

14 “(B) States;

15 “(C) metropolitan areas, including—

16 “(i) small and large metropolitan
17 areas; and

18 “(ii) metropolitan areas located in
19 urban and rural areas;

20 “(D) counties (or equivalent jurisdictions),
21 including—

22 “(i) small and large counties; and

23 “(ii) urban and rural counties;

1 “(E) public sector recycling, composting,
2 and solid waste industries for the applicable
3 type of covered product or beverage container;

4 “(F) private sector recycling, composting,
5 and solid waste industries for the applicable
6 type of covered product or beverage container;

7 “(G) recycled feedstock users for the appli-
8 cable type of covered product or beverage con-
9 tainer;

10 “(H) environmental organizations;

11 “(I) environmental justice organizations;

12 “(J) disability advocates;

13 “(K) reuse and refill system experts or op-
14 erators;

15 “(L) Indian Tribes; and

16 “(M) environmental and human health sci-
17 entists.

18 “(2) REQUIREMENTS.—

19 “(A) IN GENERAL.—Each individual serv-
20 ing on an advisory committee may represent
21 only 1 category described in subparagraphs (A)
22 through (M) of paragraph (1).

23 “(B) DISPROPORTIONATE REPRESENTA-
24 TION.—The Administrator shall ensure that no
25 category described in subparagraphs (A)

1 through (M) of paragraph (1) has disproportio-
2 nate representation on an advisory com-
3 mittee.

4 “(3) DATE OF APPOINTMENT.—The Adminis-
5 trator shall appoint all members to each advisory
6 committee established under this section not later
7 than July 1, 2025.

8 “(4) TERM.—The Administrator—

9 “(A) shall appoint the members of an advi-
10 sory committee for staggered 3-year terms; and

11 “(B) may reappoint such a member for 1
12 or more additional terms.

13 “(5) CHAIRPERSON.—At the initial meeting of
14 an advisory committee, the advisory committee shall
15 elect a chairperson, who—

16 “(A) shall serve as chairperson for 1 year;
17 and

18 “(B) may be reelected as chairperson.

19 “(c) DUTIES.—An advisory committee shall—

20 “(1) oversee 1 or more Organizations assigned
21 to the advisory committee by the Administrator;

22 “(2) review the Plan, and any revisions to the
23 Plan, of each such Organization;

1 “(3) submit to the applicable Organization a re-
2 port describing the results of the review under para-
3 graph (2); and

4 “(4) submit to the applicable Organization and
5 the Administrator any reports, recommendations, or
6 objections of the advisory committee relating to a
7 Plan, fee structure, or other activities of an Organi-
8 zation.

9 “(d) EXPENSES.—

10 “(1) IN GENERAL.—Each Organization over-
11 seen by an advisory committee shall reimburse mem-
12 bers of the advisory committee who are representa-
13 tives of community groups, Indian Tribes, State and
14 local governments, or nonprofit organizations for ex-
15 penses relating to participation on the advisory com-
16 mittee.

17 “(2) OTHER MEMBERS.—A member of an advi-
18 sory committee not described in paragraph (1) may
19 be compensated by the applicable Organization for
20 travel expenses as necessary to ensure the ability of
21 the member to participate on the advisory com-
22 mittee.

23 “(3) TRANSLATION SERVICES.—The Organiza-
24 tions overseen by an advisory committee shall be fi-
25 nancially responsible for providing to the advisory

1 committee professional language interpretation for
2 oral communications, and translation for written
3 documents and notices, in any language spoken by
4 more than 5 percent of the population residing with-
5 in a community served by the advisory committee.

6 **“SEC. 12107. REDUCTION, REUSE, AND RECYCLING NEEDS**
7 **ASSESSMENT.**

8 “(a) IN GENERAL.—Not later than 1 year after the
9 date of enactment of this subtitle, and not less frequently
10 than once every 5 years thereafter, the Administrator shall
11 select, and enter into a contract with, a qualified consult-
12 ant (as determined by the Administrator) under which the
13 qualified consultant shall conduct a packaging reduction,
14 reuse, and recycling needs assessment (referred to in this
15 section as an ‘assessment’), in accordance with this sec-
16 tion—

17 “(1) to identify barriers to, and opportunities
18 for, reducing, reusing, and recycling covered prod-
19 ucts and beverage containers; and

20 “(2) to inform Plans and budgets of Organiza-
21 tions to support the Organizations in achieving com-
22 pliance with this part.

23 “(b) PROPOSALS.—

24 “(1) IN GENERAL.—Subject to applicable Fed-
25 eral competitive bidding requirements, the Adminis-

1 trator shall solicit from qualified consultants pro-
2 posals to enter into a contract with the Adminis-
3 trator to conduct each assessment.

4 “(2) REQUIREMENTS.—A proposal to enter into
5 a contract under paragraph (1) shall include, with
6 respect to the period covered by the proposed con-
7 tract, a description of the means by which the appli-
8 cable qualified consultant will conduct the assess-
9 ment with respect to each element described in sub-
10 section (c)(1).

11 “(3) FAILURE TO SELECT.—If the Adminis-
12 trator fails to select a qualified consultant to con-
13 duct an assessment, including due to a determina-
14 tion that no qualified consultant has submitted a
15 proposal that meets the requirements of this sub-
16 section, by the applicable date described in sub-
17 section (a), the Administrator shall designate an ap-
18 propriate Federal department or agency to conduct
19 the assessment.

20 “(c) REQUIREMENTS.—

21 “(1) ELEMENTS.—Each assessment shall evalu-
22 ate, with respect to the period covered by the assess-
23 ment—

1 “(A) the current recycling, composting,
2 and reuse rate for each type of covered product
3 and beverage container;

4 “(B) the processing capacity, market con-
5 ditions, and opportunities for recyclable covered
6 products and beverage containers nationally, re-
7 gionally, and locally;

8 “(C) funding needs and actions necessary
9 to achieve the requirements of this part, includ-
10 ing payments to recyclers, market incentive
11 payments, and other payments;

12 “(D) barriers affecting covered product
13 and beverage container recycling access and
14 availability, and necessary actions and invest-
15 ments to overcome those barriers;

16 “(E) the availability, or lack of availability,
17 of markets for recycled covered products and
18 beverage containers, the need to incentivize re-
19 cycled or composted materials market develop-
20 ment, and the associated investments and ac-
21 tions required to ensure that covered products
22 and beverage containers—

23 “(i) are recycled or composted; and

24 “(ii) have viable and sufficient respon-
25 sible end markets;

1 “(F) opportunities for, and barriers to, the
2 creation of reuse and refill systems for covered
3 products and beverage containers;

4 “(G) opportunities for the improvement of
5 recycling of covered products and beverage con-
6 tainers, including the development of respon-
7 sible end markets for recycled covered products
8 and beverage containers;

9 “(H) consumer education needs with re-
10 spect to source reduction, recycling, and reduc-
11 ing contamination in recycling and reuse and
12 refill systems;

13 “(I) the needs associated with shifting
14 packaging or food service products from a cov-
15 ered product category that is unlikely to develop
16 sustained viable responsible end markets to a
17 covered product category that has a viable re-
18 sponsible end market or is likely to develop a
19 sustained viable responsible end market;

20 “(J) funding required to implement the
21 source reduction requirements under section
22 12105, including investments needed—

23 “(i) to develop reuse and refill system
24 infrastructure; and

1 “(ii) to provide to consumers conven-
2 ient access to that infrastructure to expand
3 and market the use of reusable and refill-
4 able covered products and beverage con-
5 tainers; and

6 “(K) infrastructure and activities re-
7 quired—

8 “(i) to implement a source reduction
9 plan under section 12105(a), including in-
10 vestments in reuse, refill, and composting
11 infrastructure;

12 “(ii) to achieve recycling and
13 composting rates for all covered products
14 and beverage containers covered by the
15 source reduction plan; and

16 “(iii) to ensure covered products and
17 beverage containers are recyclable or
18 compostable.

19 “(2) DEADLINES.—An assessment shall be sub-
20 mitted to the Administrator—

21 “(A) for the initial assessment, not later
22 than 2 years after the date of enactment of this
23 subtitle; and

24 “(B) for each subsequent assessment, not
25 later than 5 years after the date on which the

1 previous assessment was submitted to the Ad-
2 ministrator.

3 “(3) COST.—The cost of an assessment shall be
4 paid by the Organizations responsible for the cov-
5 ered products or beverage containers investigated as
6 part of the assessment, in such amounts and in ac-
7 cordance with such procedures as the Administrator
8 may establish, by regulation.

9 “(d) REPORTS.—Not later than 180 days after the
10 date of receipt of an assessment, the Administrator shall
11 submit to Congress and each affected Organization, and
12 publish on the website of the Administrator, a report that
13 contains—

14 “(1) a summary of the assessment; and

15 “(2) a copy of the assessment, including all
16 data on which the assessment is based.

17 **“SEC. 12108. NATIONAL BEVERAGE CONTAINER PROGRAM.**

18 “(a) RESPONSIBILITIES OF PRODUCERS.—

19 “(1) IN GENERAL.—Each producer of beverage
20 containers shall—

21 “(A) on delivery, charge to the retailer to
22 which the beverage container is delivered a de-
23 posit in the amount of the applicable refund
24 value described in subsection (c); and

1 “(B) on redemption of an empty beverage
2 container by a retailer, pay to the retailer a re-
3 fund in the amount of the applicable refund
4 value described in subsection (c).

5 “(2) USE OF DEPOSITS FROM UNREDEEMED
6 BEVERAGE CONTAINERS.—A producer shall use any
7 amounts received as deposits under paragraph
8 (1)(A) for which an empty beverage container is not
9 redeemed for investment in collection, recycling, and
10 reuse infrastructure.

11 “(b) RESPONSIBILITIES OF RETAILERS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), each retailer of beverage containers
14 shall—

15 “(A) at the time of sale, charge to the cus-
16 tomer to which the beverage container is sold a
17 deposit in the amount of the applicable refund
18 value described in subsection (c);

19 “(B) on redemption of an empty beverage
20 container by a customer, pay to the customer a
21 refund in the amount of the applicable refund
22 value described in subsection (c);

23 “(C) accept a beverage container and pay
24 a refund under subparagraph (B)—

1 “(i) during any period that the re-
2 tailer is open for business; and

3 “(ii) regardless of whether the specific
4 beverage container was sold by the retailer;
5 and

6 “(D) in the case of a retailer the premises
7 of which is not less than 5,000 square feet, ac-
8 cept any brand and size of beverage container
9 and pay a refund under subparagraph (B) for
10 the beverage container, regardless of whether
11 the retailer sells that brand or size of beverage
12 container.

13 “(2) EXCEPTIONS.—

14 “(A) DIRTY OR DAMAGED.—A retailer de-
15 scribed in paragraph (1) may refuse to accept
16 a beverage container and pay a refund under
17 paragraph (1)(B) if the beverage container—

18 “(i) visibly contains, or is contami-
19 nated by, a substance other than—

20 “(I) water;

21 “(II) residue of the original con-
22 tents; or

23 “(III) ordinary dust; or

1 “(ii) is so damaged that the brand or
2 refund label appearing on the beverage
3 container cannot be identified.

4 “(B) QUANTITY LIMITATION.—

5 “(i) LARGE RETAILERS.—A retailer
6 described in paragraph (1)(D) may refuse
7 to accept and pay a refund under para-
8 graph (1)(B) for more than 250 beverage
9 containers per customer per day.

10 “(ii) SMALL RETAILERS.—A retailer
11 the premises of which is less than 5,000
12 square feet may refuse to accept and pay
13 a refund under paragraph (1)(B) for more
14 than 50 beverage containers per customer
15 per day.

16 “(C) BRAND AND SIZE.—A retailer de-
17 scribed in subparagraph (B)(ii) may refuse to
18 accept and pay a refund under paragraph
19 (1)(B) for a brand or size of beverage container
20 that the retailer does not sell.

21 “(D) RESTAURANTS.—A retailer described
22 in paragraph (1) that is a restaurant may
23 refuse to accept and pay a refund under para-
24 graph (1)(B) for a beverage container that the
25 retailer did not sell.

1 “(E) OTHER MEANS OF RETURN.—The
2 Administrator may permit the establishment of
3 convenience zones under which each retailer
4 within a convenience zone shall be exempt from
5 the requirements of this subsection if the Ad-
6 ministrator determines that the retailer—

7 “(i) is located within close proximity
8 to a redemption center; and

9 “(ii) shares the cost of the operation
10 of that redemption center with the applica-
11 ble producer.

12 “(c) APPLICABLE REFUND VALUE.—

13 “(1) IN GENERAL.—The refund value referred
14 to in subsections (a) and (b) shall be established by
15 the Administrator, subject to the condition that the
16 value shall be not less than \$0.10.

17 “(2) ADJUSTMENTS.—Beginning on the date
18 that is 3 years after the date of enactment of this
19 subtitle, the Administrator may—

20 “(A) increase the refund value under para-
21 graph (1) to account for—

22 “(i) inflation; and

23 “(ii) other factors, such as a failure to
24 meet performance targets described in sec-
25 tion 12105(a); or

1 “(B) decrease the refund value under para-
2 graph (1) to account for beverage containers
3 that—

4 “(i) are specifically designed to be re-
5 usable or refillable; and

6 “(ii) have a high reuse and refill rate.

7 “(3) DISCRETIONARY INCREASES.—A producer
8 of a beverage container, or a State, may require a
9 refund value that is more than the applicable refund
10 value established under this subsection.

11 “(d) LABELING.—Each producer of beverage con-
12 tainers sold in the United States shall ensure that the
13 label of each such beverage container includes a standard-
14 ized, clearly visible description of the applicable refund
15 value under this section.

16 “(e) RESPONSIBILITIES OF ORGANIZATIONS.—

17 “(1) COLLECTION AND STORAGE.—An Organi-
18 zation of producers of beverage containers shall fa-
19 cilitate the collection and storage of beverage con-
20 tainers that are returned to retailers under this sec-
21 tion by providing storage or other means to collect
22 the beverage containers until collection for recycling,
23 such as reverse vending machines or other options
24 that are convenient for consumers.

25 “(2) REDEMPTION CENTERS.—

1 “(A) IN GENERAL.—An Organization of
2 producers of beverage containers shall establish
3 and operate redemption centers to accept bev-
4 erage containers from consumers.

5 “(B) REQUIREMENTS.—A redemption cen-
6 ter shall—

7 “(i) be staffed and available to the
8 public—

9 “(I) each day, other than a Fed-
10 eral or local holiday; and

11 “(II) for not fewer than 10 hours
12 each day;

13 “(ii) accept—

14 “(I) any beverage container; and

15 “(II) up to 350 beverage con-
16 tainers per person per day; and

17 “(iii) provide—

18 “(I) hand or automated counts
19 conducted by staff of the redemption
20 center;

21 “(II) a drop door for consumers
22 to deposit containers of mixed bev-
23 erage containers for staff of the re-
24 demption center to count, for which

1 the redemption center may collect a
2 convenience fee; or

3 “(III) any other convenient
4 means of receiving and counting bev-
5 erage containers, as determined by the
6 Administrator.

7 “(3) CURBSIDE COLLECTION.—An Organization
8 may pay to an entity that collects curbside recycling
9 an amount equal to the applicable refund value
10 under subsection (c) for beverage containers col-
11 lected by the entity based on weight or another
12 measurement that approximates the amount of the
13 refunds, as negotiated by the Organization and the
14 entity.

15 “(f) EXCLUDED STATES.—

16 “(1) DEFINITION OF ELIGIBLE STATE.—In this
17 subsection, the term ‘eligible State’ means a State
18 that—

19 “(A) has in effect, before the date of en-
20 actment of this subtitle, a beverage container
21 law the requirements of which are substantially
22 similar to the requirements relating to beverage
23 containers under this part, as determined by
24 the Administrator; and

1 “(B) enacts legislation after the date of en-
 2 actment of this subtitle to update the law de-
 3 scribed in subparagraph (A) to be consistent
 4 with the refund values under, and beverage con-
 5 tainers covered by, this part.

6 “(2) COMPLIANCE WITH STATE LAW.—In the
 7 case of an eligible State, compliance with the law of
 8 the eligible State by a producer, retailer, or Organi-
 9 zation shall be considered to be compliance with this
 10 section.

11 “(3) CONFORMITY.—Each eligible State is en-
 12 couraged to negotiate with relevant Organizations
 13 with respect to updated features of the beverage con-
 14 tainer-related laws of the eligible State, such as
 15 sharing new revenue from increased deposits.

16 **“SEC. 12109. ELIMINATION OF TOXIC SUBSTANCES IN BEV-**
 17 **ERAGE CONTAINERS AND POST-CONSUMER**
 18 **RECYCLED MATERIAL.**

19 “(a) PROHIBITION.—Effective beginning on the date
 20 that is 2 years after the date of enactment of this subtitle,
 21 no retailer may sell, offer for sale, or distribute any single-
 22 use beverage container that—

23 “(1) is composed wholly or partially of poly-
 24 ethylene terephthalate;

1 “(2) is opaque or pigmented a color other than
2 transparent blue or transparent green;

3 “(3) contains polyethylene glycol; or

4 “(4) contains a toxic substance.

5 “(b) REQUIREMENTS FOR CONTAINING RECYCLED
6 CONTENT.—The Administrator shall require each pro-
7 ducer of plastic beverage containers to ensure that the
8 plastic beverage containers are composed of—

9 “(1) by January 1, 2025, not less than 15 per-
10 cent post-consumer recycled material from United
11 States sources;

12 “(2) by January 1, 2030, not less than 30 per-
13 cent post-consumer recycled material from United
14 States sources;

15 “(3) by January 1, 2035, not less than 45 per-
16 cent post-consumer recycled material from United
17 States sources;

18 “(4) by January 1, 2040, not less than 60 per-
19 cent post-consumer recycled material from United
20 States sources; and

21 “(5) by such dates thereafter as the Adminis-
22 trator shall establish, such percentage of post-con-
23 sumer recycled material from United States sources
24 as the Administrator determines to be appropriate,
25 by regulation.

1 “(c) PENALTY.—

2 “(1) IN GENERAL.—A retailer or producer that
3 violates a prohibition under subsection (a) or (b), re-
4 spectively, shall be subject to a fine for each viola-
5 tion.

6 “(2) TREATMENT OF PRODUCT LINES.—For
7 purposes of this section, each product line of bev-
8 erage containers shall be considered to be a separate
9 violation of this section if any beverage container in-
10 cluded in the product line is a beverage container de-
11 scribed in subsection (a).

12 “(3) MAXIMUM AMOUNT.—The amount of a
13 fine under this subsection shall be not more than
14 \$50,000 per violation.

15 **“SEC. 12110. REPORTING AND AUDITING.**

16 “(a) IN GENERAL.—Not less frequently than annu-
17 ally, each Organization shall prepare and publish on a
18 publicly available website a report that includes—

19 “(1) with respect to the covered products or
20 beverage containers sold or imported by any member
21 of the Organization, a description of, at a min-
22 imum—

23 “(A) the quantity of covered products or
24 beverage containers sold or imported and col-
25 lected (by submaterial type and State) for—

1 “(i) the calendar year covered by the
2 report; and

3 “(ii) each preceding calendar year;

4 “(B) management of those covered prod-
5 ucts or beverage containers, including recycling
6 rates (by submaterial type), for—

7 “(i) the calendar year covered by the
8 report; and

9 “(ii) each preceding calendar year;

10 “(C) data relating to the final destination
11 and quantity of reclaimed covered products or
12 beverage containers (by submaterial type), in-
13 cluding the form of any covered products or
14 beverage containers exported;

15 “(D) contamination in the recycling stream
16 of the covered products or beverage containers;

17 “(E) relevant collection service vendors
18 and collection locations, including—

19 “(i) the geographical distribution of
20 collection;

21 “(ii) the proximity of those vendors
22 and locations to population centers;

23 “(iii) hours of operation;

1 “(iv) actions taken to reduce barriers
2 to collection by expanding curbside collec-
3 tion or facilitating drop-offs; and

4 “(v) frequency of collection avail-
5 ability;

6 “(F) progress made toward achieving com-
7 pliance with the requirements of this part, in-
8 cluding the quantity of covered products or bev-
9 erage containers that have been source-reduced
10 through elimination or replacement by reusable
11 covered products or beverage containers (by
12 submaterial type and State), for—

13 “(i) the calendar year covered by the
14 report; and

15 “(ii) each preceding calendar year for
16 which a report under this subsection was
17 prepared; and

18 “(G) additional efforts to reduce environ-
19 mental impacts, including greenhouse gas emis-
20 sions, at each lifecycle stage of the covered
21 products or beverage containers; and

22 “(2) the budget of the Organization;

23 “(3) a description of any outreach and edu-
24 cation efforts under section 12111 conducted during

1 the calendar year covered by the report, including
2 the results of those efforts;

3 “(4) a description of any customer service ef-
4 forts conducted during the calendar year covered by
5 the report, including the results of those efforts;

6 “(5) the status of packaging innovation and de-
7 sign characteristics implemented to prevent littering,
8 make covered products or beverage containers reus-
9 able or refillable, or reduce overall covered product
10 and beverage container waste; and

11 “(6) any other information that the Adminis-
12 trator determines to be appropriate.

13 “(b) CONSISTENCY.—Organizations shall coordinate
14 reporting under subsection (a), to the maximum extent
15 practicable, to provide for consistency of information
16 across a category of covered products or beverage con-
17 tainers.

18 “(c) AUDITS.—Not less frequently than once every 2
19 years, the Administrator shall conduct an audit of—

20 “(1) collection and recycling of covered prod-
21 ucts and beverage containers under this part to pro-
22 vide an accounting of any collection or recycling ef-
23 forts that are not conducted by a producer or an Or-
24 ganization; and

1 “(2) covered products and beverage containers
2 of brand names found in litter to provide for an ac-
3 counting of covered products, beverage containers,
4 and other litter that continues to create pollution.

5 “(d) REDUCTIONS IN STATE AND LOCAL TAXES.—
6 Not later than February 1, 2027, and annually thereafter,
7 the Administrator shall prepare and make publicly avail-
8 able a report describing—

9 “(1) the effect of this part on costs incurred by
10 units of State and local government for the manage-
11 ment and cleanup of covered products and beverage
12 containers; and

13 “(2) any reductions in State or local taxes as
14 a result of a reduction in costs described in para-
15 graph (1).

16 **“SEC. 12111. PUBLIC OUTREACH AND EDUCATION.**

17 “(a) IN GENERAL.—Each Organization shall conduct
18 public outreach activities to provide to consumers edu-
19 cational and informational materials relating to the quan-
20 tity of covered products and beverage containers recycled,
21 reducing the quantity of covered products and beverage
22 containers discarded, and participating in reuse and refill
23 systems, including, at a minimum—

24 “(1) proper end-of-life management of covered
25 products and beverage containers;

1 “(2) the location and availability of curbside
2 and drop-off collection opportunities;

3 “(3) the location and availability of reuse and
4 refill systems;

5 “(4) methods to prevent litter of covered prod-
6 ucts and beverage containers; and

7 “(5) reuse, recycling, and composting instruc-
8 tions that are—

9 “(A) consistent with the recycling and
10 composting receptacle labeling requirements
11 under section 12225;

12 “(B) consistent nationwide, except as nec-
13 essary to take into account differences among
14 State and local laws;

15 “(C) easy to understand; and

16 “(D) easily accessible, including availability
17 in multiple languages to reach a diverse ethnic
18 population.

19 “(b) REQUIREMENTS.—The public outreach and edu-
20 cation activities under this section shall—

21 “(1) be designed to achieve the management
22 goals for covered products and beverage containers
23 under this part, including the prevention of contami-
24 nation by covered products and beverage containers
25 in other management systems or other materials;

1 “(2) use all available forms of media, including
2 television, radio, print, electronic, and web-based
3 media, to provide information directly to consumers,
4 in multiple languages;

5 “(3) be coordinated with units of local govern-
6 ment to incorporate electronic, print, web-based, and
7 social media elements that a local government may
8 elect to use to provide education directly to resi-
9 dents;

10 “(4) be provided to producers for inclusion on
11 packaging labels to inform consumers regarding
12 methods to responsibly reuse, recycle, or dispose of
13 the packaging; and

14 “(5) be coordinated with other Organizations,
15 as applicable—

16 “(A) to avoid consumer confusion; and

17 “(B) to facilitate the consolidation of avail-
18 able resources.

19 “(c) ADDITIONAL EDUCATIONAL MATERIALS.—In
20 addition to public outreach and education activities under
21 this section, an Organization may provide to producers
22 and retailers educational materials relating to the respon-
23 sible reduction, reuse, recycling, or composting of covered
24 products and beverage containers through—

1 “(1) printed materials, signage, and templates
2 of materials that can be reproduced by retailers and
3 provided to consumers at the time of purchase; and

4 “(2) advertising materials that promote and en-
5 courage the proper reuse, recycling, and disposal of
6 covered products and beverage containers.

7 **“SEC. 12112. REDUCTION AND LITTER CLEANUP TRUST**
8 **FUND.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) RESIN MAKER.—The term ‘resin maker’
11 means an entity that—

12 “(A) transforms petrochemical gas and liq-
13 uids into ethylene and propylene for later con-
14 version into plastic polymers;

15 “(B) transforms ethylene and propylene
16 into any other chemical for later conversion into
17 plastic polymers; or

18 “(C) polymerizes petrochemical feedstocks,
19 including ethylene, ethylene glycol, terephthalic
20 acid, propylene, vinyl chloride, styrene, phenol,
21 formaldehyde, and acetonitrile, into polymers.

22 “(2) TRUST FUND.—The term ‘Trust Fund’
23 means the Reduction and Litter Cleanup Trust
24 Fund established by subsection (b).

1 “(b) ESTABLISHMENT.—There is established in the
2 Treasury of the United States a trust fund, to be known
3 as the ‘Reduction and Litter Cleanup Trust Fund’, to be
4 administered by the Administrator.

5 “(c) AMOUNTS.—The Trust Fund shall consist of
6 such amounts as are deposited in the Trust Fund under
7 subsection (d)(2).

8 “(d) FEES; DEPOSITS.—

9 “(1) FEES.—

10 “(A) IN GENERAL.—In accordance with
11 such formulas and procedures as the Adminis-
12 trator may establish, the Administrator, in con-
13 sultation with the Secretary of the Treasury,
14 shall assess against—

15 “(i) each producer an annual fee
16 based on the quantity of plastic covered
17 products or beverage containers manufac-
18 tured, distributed, sold, or imported by the
19 producer during the preceding calendar
20 year; and

21 “(ii) each resin maker an annual fee
22 based on the quantity of plastic resin or
23 plastic resin feedstocks manufactured, dis-
24 tributed, sold, or imported by the resin
25 maker during the preceding calendar year.

1 “(B) METHOD OF PAYMENT.—A producer
2 or resin maker may pay a fee assessed under
3 subparagraph (A)—

4 “(i) individually; or

5 “(ii) through the applicable Organiza-
6 tion of which the producer or resin maker
7 is a member.

8 “(2) DEPOSITS.—The following amounts shall
9 be deposited in the Trust Fund:

10 “(A) An amount equal to the amounts col-
11 lected as fees under paragraph (1).

12 “(B) An amount equal to the amounts col-
13 lected as fines under sections 12101(c)(2),
14 12109(e), 12113(e), and 12114(d).

15 “(C) Any late payments, interest, and such
16 other amounts authorized to be collected pursu-
17 ant to section 3717 of title 31, United States
18 Code, relating to a fee or fine described in sub-
19 paragraph (A) or (B).

20 “(e) AVAILABILITY.—Amounts in the Trust Fund
21 shall—

22 “(1) only be available to the extent and in the
23 amount provided in advance in appropriations Acts;

24 “(2) be used for the costs of carrying out this
25 part, in accordance with subsection (f); and

1 “(3) remain available until expended.

2 “(f) EXPENDITURES FROM TRUST FUND.—

3 “(1) IN GENERAL.—Subject to paragraph (2),
4 the Administrator shall use amounts in the Trust
5 Fund to make grants for activities relating to—

6 “(A) reuse and refill infrastructure;

7 “(B) litter cleanup; and

8 “(C) environmental remediation.

9 “(2) ALLOCATION.—Of the amounts in the
10 Trust Fund, the Administrator shall ensure that, for
11 each fiscal year—

12 “(A) not less than 40 percent is used for
13 environmental remediation, of which not less
14 than 50 percent shall be used to carry out
15 projects that primarily benefit environmental
16 justice communities; and

17 “(B) not less than 60 percent is used to
18 mitigate historic and continued impacts on envi-
19 ronmental justice communities, of which not
20 less than 75 percent shall be used to directly
21 and primarily benefit environmental justice
22 communities.

1 **“SEC. 12113. PROHIBITION ON CERTAIN TOXIC SUB-**
2 **STANCES AND MATERIALS.**

3 “(a) PROHIBITION.—Effective beginning on the date
4 that is 4 years after the date of enactment of this subtitle,
5 no producer may sell, offer for sale, or distribute in the
6 United States—

7 “(1) any packaging that contains a toxic sub-
8 stance; or

9 “(2) any prohibited plastic packaging.

10 “(b) DESIGNATION OF NEW TOXIC SUBSTANCES.—

11 “(1) IN GENERAL.—Not later than 180 days
12 after the date on which the Administrator designates
13 a substance, mixture, or compound as a toxic sub-
14 stance, the Administrator shall promulgate regula-
15 tions to prohibit that toxic substance in packaging.

16 “(2) EFFECTIVE DATE.—The effective date of
17 regulations promulgated pursuant to paragraph (1)
18 relating to a toxic substance shall be not later than
19 2 years after the date of designation of the toxic
20 substance under that paragraph.

21 “(c) PENALTY.—

22 “(1) IN GENERAL.—A producer that violates
23 this section shall be subject to a fine for each viola-
24 tion.

25 “(2) TREATMENT OF PRODUCT LINES.—For
26 purposes of this subsection, each product line sold,

1 offered for sale, or distributed to consumers by a
2 producer shall be considered to be a separate viola-
3 tion of this section.

4 “(3) MAXIMUM AMOUNT.—The amount of a
5 fine under this subsection shall be not more than
6 \$50,000 per violation.

7 **“SEC. 12114. ENFORCEMENT.**

8 “(a) IN GENERAL.—The Inspector General of the
9 Environmental Protection Agency, in consultation with
10 the Administrator and the Attorney General (referred to
11 in this section as the ‘Inspector General’)—

12 “(1) shall evaluate each Organization not less
13 frequently than annually to ensure that—

14 “(A) the Organization is implementing the
15 Plan of the Organization in a manner that
16 meets the requirements of this part; and

17 “(B) each producer participating in the
18 Organization is in compliance with the applica-
19 ble requirements of this part; and

20 “(2) may commence an enforcement action
21 against—

22 “(A) any Organization, as necessary; and

23 “(B) any participating producer that is not
24 in compliance with an applicable requirement of
25 this part.

1 “(b) INVESTIGATIONS.—In an evaluation under sub-
2 section (a)(1), the Inspector General may, as the Inspector
3 General determines to be appropriate—

4 “(1) conduct investigations, including by in-
5 specting operations, facilities, and records of—

6 “(A) an Organization; or

7 “(B) a producer participating in an Orga-
8 nization; and

9 “(2) audit an Organization or any participating
10 producer.

11 “(c) NOTICE.—The Inspector General shall submit to
12 each applicable Organization and producer, as applicable,
13 a notice describing—

14 “(1) any relevant conduct or practice that does
15 not comply with an applicable requirement of this
16 part; and

17 “(2) any inconsistency identified as a result of
18 an audit under subsection (b)(2).

19 “(d) PENALTY.—

20 “(1) IN GENERAL.—An Organization, and any
21 producer, that violates an applicable requirement of
22 this part shall be subject to a fine for each violation.

23 “(2) TREATMENT OF PRODUCT LINES.—For
24 purposes of this section, each product line sold, of-
25 fered for sale, or distributed to consumers by a pro-

1 ducer shall be considered to be a separate violation
2 of this part.

3 “(3) MAXIMUM AMOUNT.—The amount of a
4 fine under this subsection shall be not more than
5 \$100,000 per day for each violation.

6 “(e) CITIZEN SUITS.—

7 “(1) IN GENERAL.—In accordance with applica-
8 ble Federal law, subject to the provision to the re-
9 spondent of appropriate notice, any citizen of the
10 United States may commence in a United States
11 district court of competent jurisdiction an action
12 against any individual or entity, a producer, an Or-
13 ganization, the Administrator, or the Inspector Gen-
14 eral to enforce this part.

15 “(2) ADMINISTRATOR AS INTERVENOR.—In any
16 action filed pursuant to this subsection to which the
17 Administrator is not a party, the Administrator may
18 intervene as a matter of right.

19 **“PART II—REDUCTION OF SINGLE-USE**
20 **PRODUCTS**

21 **“Subpart A—Prohibitions on Single-use Plastic Bags**
22 **and Polystyrene Foam Food Service Products;**
23 **Accessories on Request**

24 **“SEC. 12201. DEFINITIONS.**

25 “In this subpart:

1 “(1) CARRYOUT BAG.—

2 “(A) IN GENERAL.—The term ‘carryout
3 bag’ means a bag provided to a customer by a
4 retail establishment or food service business for
5 the purpose of transporting groceries, a pre-
6 pared food, or a retail good.

7 “(B) EXCLUSIONS.—The term ‘carryout
8 bag’ does not include—

9 “(i) a paper bag provided by a phar-
10 macy to a customer purchasing a prescrip-
11 tion medication;

12 “(ii) a bag without handles that is—

13 “(I) used to protect items from
14 damaging or contaminating other pur-
15 chased items placed in a recycled
16 paper bag or a reusable grocery bag;
17 or

18 “(II) designed to be placed over
19 articles of clothing on a hanger;

20 “(iii) a bag used solely to contain a
21 live animal, such as a fish or insect sold at
22 a pet store or bait shop;

23 “(iv) a newspaper bag; or

24 “(v) a bag provided to contain an un-
25 wrapped food item.

1 “(2) FOOD SERVICE BUSINESS.—

2 “(A) IN GENERAL.—The term ‘food service
3 business’ means a commercial entity that sells
4 or provides food for consumption on or off the
5 premises of the entity.

6 “(B) INCLUSIONS.—The term ‘food service
7 business’ includes a restaurant, café, deli-
8 catessen, coffee shop, convenience store, grocery
9 store, vending truck or cart, food truck, movie
10 theater, and business or institutional cafeteria,
11 including such a business operated by, or on be-
12 half of, any governmental entity.

13 “(3) POLYSTYRENE FOAM FOOD SERVICE PROD-
14 UCT.—

15 “(A) IN GENERAL.—The term ‘polystyrene
16 foam food service product’ means a food service
17 product made wholly or partially of a material
18 described in subparagraph (B).

19 “(B) DESCRIPTION OF MATERIAL.—A ma-
20 terial referred to in subparagraph (A) is blown
21 polystyrene, and any expanded and extruded
22 foam of that polystyrene, that is—

23 “(i) a thermoplastic petrochemical
24 material made using a styrene monomer;
25 and

1 “(ii) processed by a technique such
2 as—

3 “(I) fusion of polymer spheres
4 (commonly known as ‘expandable bead
5 polystyrene’);

6 “(II) injection molding;

7 “(III) foam molding; or

8 “(IV) extrusion-blow molding
9 (commonly known as ‘extruded foam
10 polystyrene’).

11 “(C) INCLUSIONS.—The term ‘polystyrene
12 foam food service product’ includes a food con-
13 tainer, a plate, an egg carton, a hot or cold bev-
14 erage cup, a meat, fish, seafood, or vegetable
15 tray, and cutlery.

16 “(4) PREPARED FOOD.—

17 “(A) IN GENERAL.—The term ‘prepared
18 food’ means a food or beverage that is serviced,
19 packaged, cooked, chopped, sliced, mixed,
20 brewed, frozen, squeezed, or otherwise prepared
21 for an individual customer or consumer.

22 “(B) EXCLUSIONS.—The term ‘prepared
23 food’ does not include—

24 “(i) a raw egg;

25 “(ii) butchered meat;

1 “(iii) butchered fish or seafood; or

2 “(iv) butchered poultry.

3 “(5) RETAIL ESTABLISHMENT.—

4 “(A) IN GENERAL.—The term ‘retail es-
5 tablishment’ means a store or premises at
6 which a person is engaged in the business of
7 selling or providing directly to customers at re-
8 tail pricing—

9 “(i) merchandise, goods, groceries,
10 prepared food, or beverages, for consump-
11 tion off-premises; or

12 “(ii) the servicing of an item.

13 “(B) INCLUSIONS.—The term ‘retail estab-
14 lishment’ includes—

15 “(i) a grocery store;

16 “(ii) a department store;

17 “(iii) a pharmacy;

18 “(iv) a convenience store;

19 “(v) a restaurant;

20 “(vi) a coffee shop;

21 “(vii) a seasonal or temporary busi-
22 ness, including a farmers’ market and a
23 public market;

24 “(viii) a food truck or other motor ve-
25 hicle, mobile canteen, trailer, market push-

1 cart, or moveable roadside stand used by a
2 person from which to engage in selling or
3 providing described in subparagraph (A)
4 directly with customers, without a store-
5 front, including a business delivering pre-
6 pared foods or other food items, a web-
7 based or catalog business, and a delivery
8 service used by a retail establishment; and

9 “(ix) a nonprofit organization, char-
10 ity, or religious institution that—

11 “(I) has a retail establishment;

12 and

13 “(II) holds itself out to the public
14 as engaging in retail activities that
15 are characteristic of similar type retail
16 businesses, regardless of whether such
17 an activity is carried out on a for-
18 profit basis.

19 “(6) REUSABLE.—The term ‘reusable’, with re-
20 spect to a carryout bag, means that the carryout bag
21 is—

22 “(A) a sewn bag with stitched handles;

23 “(B) made of cloth or another machine-
24 washable fabric, other than polyethylene or pol-
25 yvinyl chloride;

1 “(C) specifically designed and manufac-
2 tured for not fewer than 175 uses; and

3 “(D) capable of carrying contents weighing
4 25 pounds or more for a distance of 300 feet
5 or more.

6 “(7) SINGLE-USE PAPER BAG.—The term ‘sin-
7 gle-use paper bag’ means a paper bag that—

8 “(A) is 100-percent recyclable;

9 “(B) contains—

10 “(i) for a paper bag weighing 8
11 pounds or less, not less than 20 percent
12 post-consumer recycled material; and

13 “(ii) for a paper bag weighing more
14 than 8 pounds, not less than 40 percent
15 post-consumer recycled material; and

16 “(C) displays, in a visible manner on the
17 outside of the paper bag—

18 “(i) the word ‘Recyclable’; and

19 “(ii) the phrase ‘Made from _____
20 percent post-consumer recycled material’,
21 the blank space being filled in with the ap-
22 propriate percentage of post-consumer re-
23 cycled material contained in the paper bag.

24 “(8) SINGLE-USE PLASTIC BAG.—The term
25 ‘single-use plastic bag’ means a carryout bag that—

1 “(A) is made of plastic; and

2 “(B) is not reusable.

3 **“SEC. 12202. BAG REQUIREMENTS.**

4 “(a) **BAN ON SINGLE-USE PLASTIC BAGS.**—Effective
5 beginning on the date that is 1 year after the date of en-
6 actment of this subtitle, no retail establishment or food
7 service business shall provide or sell to a customer any
8 single-use plastic bag.

9 “(b) **REUSABLE CARRYOUT BAGS AND SINGLE-USE**
10 **PAPER BAGS.**—

11 “(1) **IN GENERAL.**—Effective beginning on the
12 date that is 1 year after the date of enactment of
13 this subtitle, a retail establishment or food service
14 business may make available for purchase at the
15 point of sale only, as applicable—

16 “(A) reusable carryout bags; or

17 “(B) single-use paper bags.

18 “(2) **MINIMUM PRICE.**—The price of a reusable
19 carryout bag or single-use paper bag sold under
20 paragraph (1) shall be not less than \$0.10.

21 “(3) **RETENTION OF FUNDS.**—Any funds col-
22 lected under this subsection for the sale of a reus-
23 able carryout bag or single-use paper bag shall be
24 retained by the applicable retail establishment or
25 food service business.

1 **“SEC. 12203. FOOD SERVICE PRODUCTS.**

2 “(a) POLYSTYRENE FOAM FOOD SERVICE PROD-
3 UCTS.—

4 “(1) PROHIBITIONS.—Except as provided in
5 paragraphs (2) and (3), effective beginning on the
6 date that is 18 months after the date of enactment
7 of this subtitle—

8 “(A) no person shall sell or offer for sale
9 any polystyrene foam food service product; and

10 “(B) no food service business shall provide
11 or sell any food in a polystyrene foam food serv-
12 ice product.

13 “(2) EXCEPTIONS.—For the 2-year period be-
14 ginning on the effective date described in paragraph
15 (1), the following products shall be exempt from the
16 prohibitions under that paragraph:

17 “(A) Meat and fish trays for raw or butch-
18 ered meat, including poultry or fish that is sold
19 from a refrigerator or similar appliance.

20 “(B) Produce prepackaged by the producer
21 with a polystyrene foam food service product.

22 “(3) WAIVER.—

23 “(A) APPLICATIONS.—To be eligible for a
24 waiver of a prohibition under paragraph (1), a
25 person or food service business shall submit to
26 the Administrator an application at such time,

1 in such manner, and containing such informa-
2 tion as the Administrator may require.

3 “(B) APPROVAL.—The Administrator may
4 approve an application under subparagraph (A),
5 and provide to the applicant the waiver re-
6 quested in the application, if the Administrator
7 determines that—

8 “(i) there is no feasible, commercially
9 available alternative for a specific poly-
10 styrene foam food service product; or

11 “(ii)(I) the gross annual income of the
12 applicant for the calendar year preceding
13 the year during which the application is
14 submitted is less than \$500,000; and

15 “(II) there is no reasonably afford-
16 able, commercially available alternative to
17 the polystyrene foam food service product.

18 “(C) TERM.—

19 “(i) IN GENERAL.—Subject to clause
20 (ii), a waiver provided under this para-
21 graph may be in effect for a period of not
22 longer than 1 year.

23 “(ii) EXTENSIONS.—On receipt of a
24 written application, the Administrator may
25 extend a waiver provided under this para-

1 graph for additional periods, each of which
2 is not longer than 1 year.

3 “(b) PLASTIC UTENSILS, STIRRERS, SPLASH STICKS,
4 COCKTAIL STICKS, AND SANDWICH STICKS.—Effective
5 beginning on the date that is 18 months after the date
6 of enactment of this subtitle—

7 “(1) no person shall sell, offer for sale, provide,
8 or distribute any plastic utensil (including forks,
9 knives, spoons, sporks, and chopsticks), stirrer,
10 splash stick, cocktail stick, sandwich stick, or tooth-
11 pick; and

12 “(2) no food service business shall provide, dis-
13 tribute, or sell any plastic utensil (including forks,
14 knives, spoons, sporks, and chopsticks), stirrer,
15 splash stick, cocktail stick, sandwich stick, or tooth-
16 pick.

17 “(c) FOOD SERVICE ACCESSORIES ON REQUEST.—

18 “(1) DEFINITION OF FOOD SERVICE ACCES-
19 SORY.—In this subsection, the term ‘food service ac-
20 cessory’ means any item or accessory that typically
21 accompanies a food product provided by a food serv-
22 ice business, including—

23 “(A) a product used for serving, con-
24 suming, or packaging a food or beverage pre-
25 pared by a food service business, including a

1 cup, bowl, plate, tray, carton, box, wrapper or
2 liner, hinged or lidded container (commonly
3 known as a ‘clamshell’), and napkin;

4 “(B) a condiment cup or packet;

5 “(C) a cup sleeve, top, lid, or spill plug;

6 and

7 “(D) any other similar accompanying item
8 used as part of a food service business.

9 “(2) REQUEST REQUIRED.—Effective beginning
10 on the date that is 1 year after the date of enact-
11 ment of this subtitle, a food service business may
12 only provide to a customer a food service accessory
13 for dining onsite, or for a take-out or delivery order,
14 on request of the customer.

15 “(3) CONDIMENTS.—Effective beginning on the
16 date that is 1 year after the date of enactment of
17 this subtitle, any condiment provided for consump-
18 tion on the premises of a food service business shall
19 be served from—

20 “(A) a reusable container; or

21 “(B) a bulk dispenser.

22 “(4) PORTIONING.—Effective beginning on the
23 date that is 1 year after the date of enactment of
24 this subtitle, a food service accessory or condiment—

25 “(A) shall not be—

1 “(i) bundled; or

2 “(ii) individually wrapped; and

3 “(B) shall be dispensed using a dispenser
4 that provides not more than 1 food service ac-
5 cessory or condiment item at a time to ensure
6 customers receive only the quantity needed.

7 “(5) TAKE-OUT FOOD AND DELIVERY ORDER-
8 ING PLATFORMS.—Effective beginning on the date
9 that is 1 year after the date of enactment of this
10 subtitle, each take-out food and delivery ordering
11 platform shall provide—

12 “(A) to food service businesses a method
13 to customize the menus of the food service busi-
14 nesses to include a description of the food serv-
15 ice accessories and condiments offered for take-
16 out and delivery orders from the food service
17 business; and

18 “(B) to customers the option to request
19 specific food service accessories and condiments
20 for inclusion in an order placed on the platform.

21 “(6) TRAVEL.—

22 “(A) IN GENERAL.—Notwithstanding any
23 other requirement of this section, a food service
24 business described in subparagraph (B) may

1 ask a customer if the customer desires or re-
 2 quires a food service accessory—

3 “(i) to consume or transport ready-to-
 4 consume food; or

5 “(ii) to prevent food from spilling.

6 “(B) DESCRIPTION OF FOOD SERVICE
 7 BUSINESS.—A food service business referred to
 8 in subparagraph (A) is a food service business
 9 that—

10 “(i) is located entirely within a public
 11 use airport (as defined in section 77.3 of
 12 title 14, Code of Federal Regulations (or a
 13 successor regulation)); or

14 “(ii) provides food products wholly or
 15 partially through the use of a drive-
 16 through facility.

17 “(d) EFFECT OF SECTION.—Nothing in this sec-
 18 tion—

19 “(1) restricts the ability of a food service busi-
 20 ness to provide a single-use plastic straw or single-
 21 serve condiment packet to an individual that re-
 22 quests such a straw or packet due to a disability or
 23 other medical or physical condition or circumstance;
 24 or

25 “(2) prohibits a retail establishment from—

1 “(A) selling packages of single-use plastic
2 straws to customers; or

3 “(B) providing or selling a beverage pre-
4 packaged by the manufacturer with a single-use
5 plastic straw, including a juice box.

6 **“SEC. 12204. VIOLATIONS; ENFORCEMENT.**

7 “(a) VIOLATIONS.—

8 “(1) IN GENERAL.—Any person that violates an
9 applicable provision of this subpart (including regu-
10 lations), shall be subject to—

11 “(A) a warning for the initial violation;

12 “(B) a fine in an amount equal to not
13 more than \$1,000 for the second violation; and

14 “(C) a fine in an amount equal to not
15 more than \$5,000 for a third or subsequent vio-
16 lation.

17 “(2) TREATMENT.—If a violation described in
18 paragraph (1) is of a continuing nature, each day
19 during which the violation continues shall be consid-
20 ered to be an additional, separate, and distinct viola-
21 tion for purposes of this subsection.

22 “(3) PAYMENT TO ADMINISTRATOR.—A fine
23 collected pursuant to this subsection shall be remit-
24 ted to the Administrator.

1 “(b) ENFORCEMENT.—Subject to subsection (a)(3),
2 the Administrator or an affected local government may en-
3 force this subpart.

4 **“SEC. 12205. EDUCATION AND OUTREACH.**

5 “Not later than 120 days after the date of enactment
6 of this subtitle, the Administrator shall—

7 “(1) establish a program to assist persons in
8 achieving compliance with this subpart, including
9 by—

10 “(A) developing and publishing on a public
11 website guidance relating to that compliance;
12 and

13 “(B) establishing an online clearinghouse
14 of vendors that provide environmentally sound
15 alternatives to single-use plastic bags, single-use
16 paper bags, polystyrene foam food service prod-
17 ucts, and single-use plastic straws; and

18 “(2) in cooperation with local governments, en-
19 vironmental organizations, and the business commu-
20 nity, develop and implement a public information
21 and education program with respect to this subpart,
22 including—

23 “(A) educational materials;

24 “(B) public service announcements; and

25 “(C) the distribution of—

- 1 “(i) free, reusable carryout bags; and
2 “(ii) information relating to the envi-
3 ronmental harms associated with single-use
4 plastic bags.

5 **“SEC. 12206. RULEMAKING.**

6 “The Administrator shall promulgate such regula-
7 tions as the Administrator determines to be necessary to
8 carry out this subpart.

9 **“Subpart B—Prohibition on Other Single-use**
10 **Products**

11 **“SEC. 12211. DEFINITIONS.**

12 “In this subpart:

13 “(1) **BLACK PLASTIC.**—The term ‘black plastic’
14 means any plastic with a black plastic resin code 1
15 through 7.

16 “(2) **DISPOSABLE FOOD SERVICE WARE.**—

17 “(A) **IN GENERAL.**—The term ‘disposable
18 food service ware’ means a single-use or dispos-
19 able product for heating, storing, packaging,
20 serving, consuming, or transporting a prepared
21 or ready-to-consume food or beverage.

22 “(B) **INCLUSIONS.**—The term ‘disposable
23 food service ware’ includes—

1 “(i) a bowl, plate, tray, carton, cup,
2 lid, hinged or lidded container, spoon, fork,
3 and knife;

4 “(ii) any container used by a food es-
5 tablishment to heat, cook, or store a food
6 or beverage prior to serving, regardless of
7 whether the container is used to serve the
8 food or beverage; and

9 “(iii) any item described in clause (i)
10 or (ii) that is sold by a retail establishment
11 to a consumer for personal use.

12 “(3) FOOD ESTABLISHMENT.—

13 “(A) IN GENERAL.—The term ‘food estab-
14 lishment’ means an operation that serves,
15 vends, or otherwise provides a food product to
16 a third party for consumption or use on or off
17 the premises of the operation, regardless of
18 whether a fee is charged for the food product.

19 “(B) INCLUSION.—The term ‘food estab-
20 lishment’ includes any facility the operation of
21 which requires a food service permit in accord-
22 ance with applicable Federal or State law (in-
23 cluding regulations).

24 “(C) EXCLUSION.—The term ‘food estab-
25 lishment’ does not include a home or other pri-

1 vate setting in which a food product is provided
2 as described in subparagraph (A).

3 “(4) PERSONAL CARE PRODUCT.—The term
4 ‘personal care product’ includes—

5 “(A) shampoo;

6 “(B) hair conditioner;

7 “(C) bath soap;

8 “(D) shower gel;

9 “(E) lotion; and

10 “(F) hand soap.

11 “(5) PREPARED FOOD.—The term ‘prepared
12 food’ has the meaning given the term in section
13 12201.

14 “(6) RETAIL ESTABLISHMENT.—The term ‘re-
15 tail establishment’ has the meaning given the term
16 in section 12201.

17 **“SEC. 12212. PROHIBITION ON CERTAIN TRAVEL**
18 **TOILETRIES.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) LODGING ESTABLISHMENT.—

21 “(A) IN GENERAL.—The term ‘lodging es-
22 tablishment’ means an establishment that con-
23 tains 1 or more sleeping room accommodations
24 that are rented or otherwise provided to the
25 public.

1 “(B) INCLUSIONS.—The term ‘lodging es-
2 tablishment’ includes—

3 “(i) a hotel;

4 “(ii) a motel;

5 “(iii) a resort;

6 “(iv) a bed and breakfast;

7 “(v) an inn; and

8 “(vi) a vacation rental.

9 “(C) EXCLUSIONS.—The term ‘lodging es-
10 tablishment’ does not include—

11 “(i) a hospital;

12 “(ii) a nursing home;

13 “(iii) a residential retirement commu-
14 nity;

15 “(iv) a prison or jail;

16 “(v) a homeless shelter;

17 “(vi) a boarding school;

18 “(vii) a unit of worker housing;

19 “(viii) a long-term rental; or

20 “(ix) a house, apartment, or other liv-
21 able space at which the individual pro-
22 viding a sleeping accommodation as de-
23 scribed in subparagraph (A) is a perma-
24 nent resident who lives on the premises.

1 “(2) SMALL PLASTIC BOTTLE.—The term
2 ‘small plastic bottle’ means a plastic bottle or con-
3 tainer that—

4 “(A) has a capacity of less than 6 ounces;

5 and

6 “(B) is intended to be nonreusable by the
7 end user.

8 “(b) PROHIBITION.—

9 “(1) IN GENERAL.—Subject to subsection (c),
10 effective beginning on the applicable date described
11 in paragraph (2), a lodging establishment shall not
12 provide any small plastic bottle containing a per-
13 sonal care product—

14 “(A) to any individual staying in a sleeping
15 room accommodation of the lodging establish-
16 ment;

17 “(B) in any space within a sleeping room
18 accommodation of the lodging establishment; or

19 “(C) in any bathroom of the lodging estab-
20 lishment that is shared by—

21 “(i) the public; or

22 “(ii) guests of the lodging establish-
23 ment.

24 “(2) EFFECTIVE DATE.—The date referred to
25 in paragraph (1) is—

1 “(A) for a lodging establishment with more
2 than 50 rooms, the date that is 180 days after
3 the later of—

4 “(i) the date of enactment of this sub-
5 title; and

6 “(ii) the date on which the lodging es-
7 tablishment commences operation; and

8 “(B) for a lodging establishment with 50
9 or fewer rooms, the date that is 1 year after the
10 later of—

11 “(i) the date of enactment of this sub-
12 title; and

13 “(ii) the date on which the lodging es-
14 tablishment commences operation.

15 “(c) PATRON REQUEST.—Notwithstanding sub-
16 section (b), a lodging establishment may provide to an in-
17 dividual, on request of the individual, a personal care
18 product in a small plastic bottle at no cost at a place other
19 than a place described in subsection (b)(1).

20 “(d) VIOLATIONS.—

21 “(1) IN GENERAL.—An agency of a local gov-
22 ernment with authority to inspect sleeping room ac-
23 commodations in a lodging establishment may issue
24 a citation for any violation of subsection (b).

1 “(2) WRITTEN WARNING.—For an initial viola-
2 tion of the prohibition under subsection (b), an
3 agency described in paragraph (1) shall issue to the
4 applicable lodging establishment a written warning
5 that includes—

6 “(A) a description of the violation; and

7 “(B) a notice that any subsequent violation
8 may result in a fine as described in paragraph
9 (3).

10 “(3) SUBSEQUENT VIOLATIONS.—On a second
11 or subsequent violation of the prohibition under sub-
12 section (b), an agency described in paragraph (1)
13 may assess against the applicable lodging establish-
14 ment a fine in an amount equal to—

15 “(A) not more than \$500 for each day of
16 the violation; and

17 “(B) not more than a total of \$2,000 in
18 any calendar year.

19 “(4) PAYMENT TO ADMINISTRATOR.—A fine
20 collected pursuant to this subsection shall be remit-
21 ted to the Administrator.

22 “(e) SENSE OF CONGRESS REGARDING USE OF
23 BULK DISPENSERS BY LODGING ESTABLISHMENTS.—It
24 is the sense of Congress that lodging establishments are

1 encouraged to use bulk dispensers of personal care prod-
2 ucts—

3 “(1) to reduce plastic waste;

4 “(2) to decrease the operating costs of the lodg-
5 ing establishments; and

6 “(3) in a manner that is mindful of the health
7 and safety of individuals.

8 **“SEC. 12213. PROHIBITIONS ON BLACK PLASTICS.**

9 “(a) PROHIBITIONS.—Effective beginning on the
10 date that is 1 year after the date of enactment of this
11 subtitle—

12 “(1) no food establishment shall sell, offer for
13 sale, or otherwise distribute any disposable food
14 service ware made using a black plastic; and

15 “(2) no retail establishment shall sell, offer for
16 sale, or otherwise distribute—

17 “(A) any disposable food service ware
18 made using a black plastic; or

19 “(B) any meat tray, fish tray, seafood
20 tray, vegetable tray, or egg carton made wholly
21 or partially using a black plastic.

22 “(b) EXEMPTION.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Administrator may exempt a food establishment
25 or retail establishment from an applicable prohibi-

1 tion under subsection (a) for a period of not more
2 than 180 days on receipt of a written application
3 from the owner or operator of the food establish-
4 ment or retail establishment.

5 “(2) REQUIRED DETERMINATION.—The Admin-
6 istrator may not provide an exemption under para-
7 graph (1) unless the Administrator determines
8 that—

9 “(A) strict enforcement of the prohibition
10 for which the exemption is sought would cause
11 an undue hardship described in paragraph (3);
12 or

13 “(B) the applicable food establishment or
14 retail establishment requires additional time in
15 order to deplete an existing inventory of a spe-
16 cific item subject to the prohibition for which
17 the exemption is sought.

18 “(3) DESCRIPTION OF UNDUE HARDSHIP.—An
19 undue hardship referred to in paragraph (2)(A) is a
20 situation—

21 “(A) that is unique to an applicable food
22 establishment or retail establishment;

23 “(B) in which no reasonable alternative to
24 the use of an item subject to a prohibition
25 under subsection (a) exists; and

1 “(C) due to which compliance with this
2 section would create significant economic hard-
3 ship for the applicable food establishment or re-
4 tail establishment.

5 “(c) EFFECT OF SECTION.—Nothing in this section
6 prohibits an individual from personal use of a disposable
7 food service ware or other item made using a black plastic.

8 **“SEC. 12214. PROHIBITION ON NONCOMPOSTABLE**
9 **PRODUCE STICKERS.**

10 “Effective beginning on the date that is 1 year after
11 the date of enactment of this subtitle, no retail establish-
12 ment shall sell or distribute any produce to which is af-
13 fixed a noncompostable sticker.

14 **“SEC. 12215. ENFORCEMENT.**

15 “(a) WRITTEN WARNING.—For the initial violation
16 of an applicable prohibition under section 12213 or 12214,
17 the Administrator shall issue to the applicable food estab-
18 lishment or retail establishment a written warning that in-
19 cludes—

20 “(1) a description of the violation; and

21 “(2) a notice that any subsequent violation may
22 result in a fine or seizure as described in subsection
23 (b).

24 “(b) SUBSEQUENT VIOLATIONS.—

1 “(1) FINES.—Subject to paragraphs (2) and
2 (3), a food establishment or retail establishment that
3 has received a written warning under subsection (a)
4 with respect to a violation of an applicable prohibi-
5 tion under section 12213 or 12214, and that repeats
6 the violation, shall be subject to a fine in an amount
7 equal to—

8 “(A) for the first repeat violation during
9 the calendar year in which the written warning
10 was received, \$250;

11 “(B) for the second repeat violation during
12 that calendar year, \$500; and

13 “(C) for the third, and any subsequent,
14 violation during that calendar year, \$1,000.

15 “(2) SEIZURE.—On a third, or any subsequent,
16 violation of an applicable prohibition under section
17 12213 or 12214 by a food establishment or retail es-
18 tablishment during a calendar year, the Adminis-
19 trator may seize any products subject to the prohibi-
20 tion that are in the possession of the applicable food
21 establishment or retail establishment.

22 “(3) LIMITATION.—In the case of a food estab-
23 lishment or retail establishment the annual revenue
24 of which is less than \$1,000,000, a fine shall not be

1 imposed pursuant to this subsection more than once
 2 during any 7-day period.

3 “(c) STATE ENFORCEMENT.—The Administrator
 4 may permit a State to carry out enforcement under this
 5 section, subject to the conditions that—

6 “(1) the Administrator shall determine that the
 7 State meets such requirements as the Administrator
 8 may establish; and

9 “(2) any fines collected by the State under this
 10 section shall be remitted to the Administrator.

11 **“Subpart C—Advancing Reuse and Refill Systems**

12 **“SEC. 12221. GRANT PROGRAM TO EXPAND EQUITABLE AC-**
 13 **CESS TO REUSABLE AND REFILLABLE PACK-**
 14 **AGING.**

15 “(a) ESTABLISHMENT.—Not later than 2 years after
 16 the date of enactment of this subtitle, the Administrator
 17 shall establish a competitive grant program under which
 18 the Administrator shall provide grants to eligible entities
 19 described in subsection (b) to carry out beverage container
 20 reuse and refill projects in accordance with this section.

21 “(b) ELIGIBILITY.—The following entities shall be el-
 22 igible to receive a grant under this section:

23 “(1) An institution of higher education.

24 “(2) A nonprofit organization.

1 “(3) A unit of county, municipal, or Tribal gov-
2 ernment.

3 “(4) A for-profit entity.

4 “(5) A public-private partnership.

5 “(c) APPLICATIONS.—An eligible entity described in
6 subsection (b) seeking a grant under this section shall sub-
7 mit to the Administrator an application at such time, in
8 such manner, and containing such information as the Ad-
9 ministrator may require, including a description of the
10 means by which the project proposed to be carried out by
11 the eligible entity will—

12 “(1) expand 1 or more reuse and refill systems
13 to replace single-use plastics, or single-use products
14 containing or lined with plastic, currently used in
15 consumer goods industries, including replacement
16 with food service products and consumer food and
17 beverage products that—

18 “(A) are affordable, convenient, scalable,
19 nontoxic, and equitable; and

20 “(B) satisfy the requirements described in
21 this part;

22 “(2) increase access to, and the capacity of,
23 reuse and refill infrastructure within the State
24 served by the eligible entity;

1 “(3) expand consumer knowledge of reuse and
2 refill programs, including through the development
3 of accessible education and outreach programs and
4 materials; and

5 “(4) install, and expand access to, sanitation in-
6 frastructure in public or community buildings to en-
7 able safe and hygienic reuse, including dishwashers
8 and sanitation stations.

9 “(d) NONTOXIC REQUIREMENTS.—A material used
10 as part of a reuse and refill project under the program
11 under this section shall not—

12 “(1) contain a toxic substance; or

13 “(2) be made using prohibited plastic pack-
14 aging.

15 “(e) PRIORITY; DISTRIBUTION.—In awarding grants
16 under this section, the Administrator shall—

17 “(1) give priority to any project that, as deter-
18 mined by the Administrator, will—

19 “(A) directly benefit a population of color,
20 community of color, Indigenous community,
21 rural community, or low-income community; or

22 “(B) achieve more than 1 objective de-
23 scribed in subsection (c); and

24 “(2) ensure that at least 1 grant is provided in
25 each region of the Environmental Protection Agency.

1 “(f) REPORTS.—Not later than 2 years after the date
2 of enactment of this subtitle, and not less frequently than
3 once every 3 years thereafter, the Administrator shall sub-
4 mit to Congress, and publish, a report that includes—

5 “(1) an estimate of the current and projected
6 consumption of beverage containers and covered
7 products in each State;

8 “(2) an assessment of techniques and rec-
9 ommendations to minimize the creation of new mate-
10 rials for the manufacturing of beverage containers
11 and covered products;

12 “(3) an assessment of the infrastructure and
13 design needs required to establish a system for reus-
14 able and refillable beverage containers in the United
15 States; and

16 “(4) a summary of—

17 “(A) the grants provided under this sec-
18 tion; and

19 “(B) the effectiveness of those grants in
20 increasing the proportion that—

21 “(i) the number of reusable and refill-
22 able beverage containers and covered prod-
23 ucts used by distributors during each cal-
24 endar year covered by the report; bears to

1 “(ii) overall beverage container and
2 covered product consumption during that
3 calendar year.

4 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to carry out this section
6 \$20,000,000 for the period of fiscal years 2024 through
7 2028.

8 **“SEC. 12222. GRANT PROGRAM TO SUPPORT WATER REFILL**
9 **STATIONS AT AIRPORTS AND TRAIN STA-**
10 **TIONS.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) PROGRAM.—The term ‘program’ means
13 the competitive grant program established under
14 subsection (b).

15 “(2) SECRETARY.—The term ‘Secretary’ means
16 the Secretary of Transportation.

17 “(b) ESTABLISHMENT.—Not later than 1 year after
18 the date of enactment of this subtitle, the Secretary shall
19 establish a competitive grant program under which the
20 Secretary, in consultation with the Administrator, shall
21 provide grants for use in accordance with this section to—

22 “(1) publicly owned airports that—

23 “(A) host not less than 2,500 passenger
24 boardings each calendar year; and

1 “(B) receive scheduled passenger service;
2 and

3 “(2) train stations located in metropolitan or
4 suburban areas that provide for the transportation
5 of individuals (other than employees or contractors
6 of the station or individuals riding equipment to ob-
7 serve or monitor railroad operations) by railroad
8 through—

9 “(A) intercity passenger service; or

10 “(B) commuter or other short-haul pas-
11 senger service.

12 “(c) USE OF FUNDS.—A grant provided under the
13 program may be used for—

14 “(1) purchasing and installing stations at which
15 employees, passengers, and other guests may refill
16 reusable beverage containers with drinking water;
17 and

18 “(2) promoting the use of reusable beverage
19 containers and water refill stations.

20 “(d) APPLICATIONS.—An entity described in sub-
21 section (b) seeking a grant under the program shall sub-
22 mit to the Secretary an application at such time, in such
23 manner, and containing such information as the Secretary
24 may require, including a description of each project pro-
25 posed to be carried out using grant funds.

1 “(e) REPORT.—Not later than 2 years after the date
2 on which the Secretary provides grants under the pro-
3 gram, the Secretary shall submit to Congress a report de-
4 scribing the effectiveness of the projects carried out under
5 the program.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out the program
8 \$5,000,000 for the period of fiscal years 2024 through
9 2028.

10 **“SEC. 12223. CLEAN COMMUNITIES PROGRAM.**

11 “The Administrator shall establish a program, to be
12 known as the ‘Clean Communities Program’, under which
13 the Administrator shall leverage smart technology and so-
14 cial media to provide technical assistance to units of local
15 government for purposes of cost-effectively—

16 “(1) identifying concentrated areas of pollution
17 within the jurisdictions of the units of local govern-
18 ment; and

19 “(2) implementing source reduction solutions in
20 response to that pollution.

21 **“SEC. 12224. REPORT ON REUSE AND REFILL SYSTEMS.**

22 “(a) IN GENERAL.—Not later than 2 years after the
23 date of enactment of this subtitle, and not less frequently
24 than once every 5 years thereafter, the Administrator shall
25 make publicly available a report describing the feasibility

1 of, and best practices relating to, reuse and refill systems
2 with respect to each of the following sectors:

3 “(1) Food service, including—

4 “(A) take-out food;

5 “(B) the delivery of prepared meals; and

6 “(C) meal kits.

7 “(2) Consumer food and beverage products.

8 “(3) Consumer cleaning products.

9 “(4) Personal care products.

10 “(5) Transportation and shipping of wholesale
11 and retail goods.

12 “(6) Public educational institutions, including
13 institutions of higher education.

14 “(7) Other sectors, as identified by the Admin-
15 istrator.

16 “(b) OBJECTIVES.—The report under subsection (a)
17 shall include an evaluation and summary of—

18 “(1) types of reuse and refill systems for prod-
19 uct delivery that can be best used at different scales;

20 “(2) methods to ensure equitable distribution of
21 reuse and refill systems for product delivery in popu-
22 lations of color, communities of color, Indigenous
23 communities, and low-income communities;

24 “(3) job creation opportunities through the use
25 or expansion of reuse and refill systems;

1 “(4) economic costs and benefits for—

2 “(A) businesses that deploy reuse and refill
3 system technologies; and

4 “(B) parties responsible for waste collec-
5 tion and management;

6 “(5) types of local, State, and Federal support
7 needed to expand the use of reuse and refill systems;
8 and

9 “(6) existing barriers to the widespread imple-
10 mentation of reuse and refill systems.

11 “(c) CONSIDERATIONS.—In preparing the report
12 under subsection (a), the Administrator shall take into
13 consideration relevant information relating to reuse and
14 refill system programs and approaches in States, units of
15 local government, and foreign countries.

16 **“SEC. 12225. RECYCLING AND COMPOSTING RECEPTACLE**
17 **LABELING.**

18 “(a) PURPOSE.—The purpose of this section is to es-
19 tablish guidelines for a national standardized labeling sys-
20 tem for the development of labels for recycling and
21 composting receptacles that use a methodology that is con-
22 sistent throughout the United States to assist members
23 of the public in properly recycling and composting.

24 “(b) DEFINITIONS.—In this section:

1 “(1) PUBLIC SPACE.—The term ‘public space’
2 means a business, an airport, a school, a stadium,
3 a government office, a park, and any other public
4 space, as determined by the Administrator.

5 “(2) RECYCLING OR COMPOSTING RECEPTACLE.—The term ‘recycling or composting receptacle’ means a recycling or composting bin, cart, or
6 dumpster.
7
8

9 “(3) RESIDENTIAL RECYCLING AND
10 COMPOSTING PROGRAM.—The term ‘residential recycling and composting program’ means a recycling
11 and composting program that provides services to
12 single-family dwellings, multifamily dwellings or facilities, or both.
13
14

15 “(c) GUIDELINES.—Not later than 2 years after the
16 date of enactment of this subtitle, the Administrator shall
17 develop and publish guidelines for a national standardized
18 labeling system for use by Organizations to develop labels
19 that—

20 “(1) use a national standardized methodology
21 of colors, images, format, and terminology, including
22 to address diverse ethnic populations;

23 “(2) shall be placed on recycling and
24 composting receptacles in public spaces and the serv-

1 ice area of the Organization in accordance with
2 paragraphs (1)(D) and (2) of subsection (e); and

3 “(3) communicate to users of those recycling
4 and composting receptacles—

5 “(A) the specific recyclables and
6 compostables accepted by the Organization; and

7 “(B) the specific rules of sorting for the
8 Organization.

9 “(d) DEVELOPMENT OF LABELS.—

10 “(1) IN GENERAL.—Each Organization, in ac-
11 cordance with the guidelines published under sub-
12 section (c), shall use the national standardized label-
13 ing system to develop labels for use on recycling and
14 composting receptacles in public spaces and the serv-
15 ice area of the Organization to communicate to users
16 of those recycling and composting receptacles—

17 “(A) the specific recyclables and
18 compostables accepted by the Organization; and

19 “(B) the specific rules of sorting for the
20 Organization.

21 “(2) SIMPLE AND DETAILED VERSIONS.—In de-
22 veloping labels under paragraph (1), an Organiza-
23 tion shall develop—

24 “(A) a simple version of the label for use
25 on recycling and composting receptacles used in

1 public spaces, which shall list the basic
2 recyclables and compostables accepted by the
3 Organization; and

4 “(B) a detailed version of the label for use
5 on recycling and composting receptacles used as
6 part of a residential recycling and composting
7 program of the Organization, taking into con-
8 sideration the complexity of the covered prod-
9 ucts and beverage containers disposed of by sin-
10 gle-family dwellings and multifamily dwellings
11 and facilities.

12 “(e) DISTRIBUTION OF LABELS.—

13 “(1) SIMPLE VERSION.—

14 “(A) IN GENERAL.—An Organization shall
15 distribute the simple version of the label devel-
16 oped by the Organization under subsection
17 (d)(2)(A) to each customer of the Organization
18 that owns or operates a public space in the
19 service area of the Organization.

20 “(B) QUANTITY.—The quantity of labels
21 distributed to an owner or operator of a public
22 space under subparagraph (A) shall be reason-
23 ably sufficient to ensure that a label may be
24 placed on each recycling and composting recep-
25 tacle in that public space.

1 “(C) ADDITIONAL LABELS.—If the quan-
2 tity of labels distributed under subparagraph
3 (B) is insufficient, an Organization shall make
4 available to owners and operators described in
5 subparagraph (A) additional labels to purchase
6 or download.

7 “(D) REQUIREMENT OF OWNERS AND OP-
8 ERATORS.—An owner or operator of a public
9 space that receives labels under subparagraph
10 (A) shall display the labels on the recycling and
11 composting receptacles in that public space.

12 “(2) DETAILED VERSION.—An Organization or
13 municipality, as applicable, that provides services to
14 a residential recycling and composting program in
15 the service area of the Organization or municipality,
16 as applicable, shall display a detailed standardized
17 label developed by the Organization under subsection
18 (d)(2)(B) on each recycling and composting recep-
19 tacle used by the residential recycling and
20 composting program.

21 **“SEC. 12226. STUDY AND ACTION ON PLASTIC TOBACCO FIL-**
22 **TERS AND ELECTRONIC CIGARETTES.**

23 “(a) STUDY.—Not later than 2 years after the date
24 of enactment of this subtitle, the Administrator, in con-
25 junction with the Commissioner of Food and Drugs and

1 the Director of the National Institutes of Health, shall
2 conduct a study of—

3 “(1) the environmental impacts and efficacy of
4 tobacco filters made from plastic; and

5 “(2) the environmental impacts of electronic
6 cigarettes, including disposable plastic components
7 of electronic cigarettes.

8 “(b) REPORT TO CONGRESS.—Not later than 180
9 days after the date on which the study under subsection
10 (a) is concluded, the Administrator, in conjunction with
11 the Commissioner of Food and Drugs, shall submit a re-
12 port describing any recommendations of the Administrator
13 for the establishment of a program to reduce litter from,
14 and the environmental impacts of, single-use tobacco filter
15 products and electronic cigarettes to—

16 “(1) the Committee on Health, Education,
17 Labor and Pensions of the Senate;

18 “(2) the Committee on Environment and Public
19 Works of the Senate;

20 “(3) the Committee on Commerce, Science, and
21 Transportation of the Senate; and

22 “(4) the Committee on Energy and Commerce
23 of the House of Representatives.

24 “(c) PUBLICATION.—On submission of the report
25 under subsection (b), the Administrator, in conjunction

1 with the Commissioner of Food and Drugs, shall publish
2 in the Federal Register for public comment—

3 “(1) a copy of the report; and

4 “(2) a description of the actions the Adminis-
5 trator and the Commissioner of Food and Drugs in-
6 tend to take during the 1-year period beginning on
7 the date of publication to reduce litter from, and the
8 environmental impacts of, single-use tobacco filter
9 products and electronic cigarettes, including rec-
10 ommendations for incorporating plastic tobacco fil-
11 ters and electronic cigarette plastic components into
12 an extended producer responsibility program.

13 **“PART III—PROHIBITION ON CERTAIN EXPORTS**

14 **“SEC. 12301. PROHIBITION ON CERTAIN EXPORTS.**

15 “No person may export from the United States any
16 plastic waste, plastic paring, or scrap of plastic—

17 “(1) to a country that is not a member of the
18 Organization for Economic Cooperation and Devel-
19 opment;

20 “(2) without the prior informed consent of the
21 relevant authorities in a receiving country that is a
22 member of the Organization for Economic Coopera-
23 tion and Development, if those exports—

24 “(A) are not of a single, nonhalogenated
25 plastic polymer;

1 “(B) are contaminated with greater than
2 0.5 percent of—

3 “(i) other plastics; or

4 “(ii) other materials, including—

5 “(I) labels, adhesives, varnishes,
6 waxes, inks, and paints; and

7 “(II) composite materials mixing
8 plastics with nonplastic materials; or

9 “(C) are to be re-exported to a country
10 that is not a member of the Organization for
11 Economic Cooperation and Development; or

12 “(3) that is contaminated with—

13 “(A) a hazardous chemical;

14 “(B) effective beginning on the date that is
15 1 year after the date of enactment of this sub-
16 title, a toxic substance; or

17 “(C) any other substance, to the extent
18 that the export becomes hazardous waste.

19 **“PART IV—LOCAL GOVERNMENT EFFORTS**

20 **“SEC. 12401. PROTECTION OF LOCAL GOVERNMENTS.**

21 “Nothing in this subtitle preempts any State or local
22 law in effect on or after the date of enactment of this sub-
23 title that—

1 “(1) requires the collection and recycling of any
2 product in a greater quantity than is required under
3 part I;

4 “(2) prohibits the sale or distribution of any
5 product that is not prohibited under part I or II;

6 “(3) requires any product to be made of a
7 greater percentage of post-consumer recycled mate-
8 rial than is required under part I or II; or

9 “(4) in any way exceeds the requirements of
10 this subtitle.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 contained in section 1001 of the Solid Waste Disposal Act
13 (42 U.S.C. 6901 note; Public Law 89–272) is amended
14 by adding at the end the following:

“Subtitle K—Extended Responsibility for Beverage Containers and Packaging

“Sec. 12001. Definitions.

“PART I—EXTENDED RESPONSIBILITY

“Sec. 12101. Extended responsibility.

“Sec. 12102. Producer Responsibility Organizations.

“Sec. 12103. Product Stewardship Plans.

“Sec. 12104. Membership fees.

“Sec. 12105. Single-use plastic source reduction requirements.

“Sec. 12106. Advisory committees.

“Sec. 12107. Reduction, reuse, and recycling needs assessment.

“Sec. 12108. National beverage container program.

“Sec. 12109. Elimination of toxic substances in beverage containers and post-
consumer recycled material.

“Sec. 12110. Reporting and auditing.

“Sec. 12111. Public outreach and education.

“Sec. 12112. Reduction and Litter Cleanup Trust Fund.

“Sec. 12113. Prohibition on certain toxic substances and materials.

“Sec. 12114. Enforcement.

“PART II—REDUCTION OF SINGLE-USE PRODUCTS

“SUBPART A—PROHIBITIONS ON SINGLE-USE PLASTIC BAGS AND
POLYSTYRENE FOAM FOOD SERVICE PRODUCTS; ACCESSORIES ON REQUEST

- “Sec. 12201. Definitions.
- “Sec. 12202. Bag requirements.
- “Sec. 12203. Food service products.
- “Sec. 12204. Violations; enforcement.
- “Sec. 12205. Education and outreach.
- “Sec. 12206. Rulemaking.

“SUBPART B—PROHIBITION ON OTHER SINGLE-USE PRODUCTS

- “Sec. 12211. Definitions.
- “Sec. 12212. Prohibition on certain travel toiletries.
- “Sec. 12213. Prohibitions on black plastics.
- “Sec. 12214. Prohibition on noncompostable produce stickers.
- “Sec. 12215. Enforcement.

“SUBPART C—ADVANCING REUSE AND REFILL SYSTEMS

- “Sec. 12221. Grant program to expand equitable access to reusable and refillable packaging.
- “Sec. 12222. Grant program to support water refill stations at airports and train stations.
- “Sec. 12223. Clean Communities Program.
- “Sec. 12224. Report on reuse and refill systems.
- “Sec. 12225. Recycling and composting receptacle labeling.
- “Sec. 12226. Study and action on plastic tobacco filters and electronic cigarettes.

“PART III—PROHIBITION ON CERTAIN EXPORTS

- “Sec. 12301. Prohibition on certain exports.

“PART IV—LOCAL GOVERNMENT EFFORTS

- “Sec. 12401. Protection of local governments.”.

1 **TITLE II—PROTECTING**
 2 **COMMUNITIES FROM PLASTICS**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Protecting Commu-
 5 nities from Plastics Act”.

6 **SEC. 202. FINDINGS.**

7 Congress finds that—

8 (1) plastics production is exacerbating the cli-
 9 mate crisis and driving environmental injustice in

1 vulnerable communities located near petrochemical
2 facilities;

3 (2) plastics production is on track to double in
4 the decade beginning on the date of enactment of
5 this Act, locking in harmful emissions for decades;

6 (3) plastics and other petrochemicals are fore-
7 casted to become the largest driver of oil and hy-
8 draulically fractured gas demand by 2050;

9 (4) some studies have projected that the plas-
10 tics industry will emit more greenhouse gas emis-
11 sions than coal plants in the United States by 2030;

12 (5) petrochemical facilities that produce plastics
13 are more likely to be located in low-income commu-
14 nities and communities of color, disproportionately
15 exposing those communities to harmful pollutants;

16 (6) plastics production and certain disposal fa-
17 cilities pollute surrounding communities with chemi-
18 cals that are known to cause cancer, birth defects,
19 and other serious illnesses;

20 (7) transitioning from the use of fossil fuels for
21 power generation and transportation only to replace
22 that demand with more fossil fuel-based plastics pro-
23 duction—

24 (A) is not a viable strategy; and

25 (B) fails to protect communities;

1 (8) plastics carry impacts throughout the
2 lifecycle, including the impacts of—

3 (A) oil and gas extraction;

4 (B) plastics refining, manufacturing, and
5 certain methods of disposal; and

6 (C) resulting plastics pollution in commu-
7 nities and the environment, where the degrad-
8 ing plastics—

9 (i) leach chemical additives; and

10 (ii) emit greenhouse gases;

11 (9) addressing the plastics crisis requires a shift
12 away from single-use plastics in nonessential set-
13 tings; and

14 (10) technologies that convert plastics to fuel,
15 use plastics for energy generation, generate feed-
16 stocks for the chemical industry, or produce haz-
17 ardous waste and toxic air pollution are not a sus-
18 tainable solution to the plastics crisis.

19 **SEC. 203. DEFINITIONS.**

20 In this title:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the Environ-
23 mental Protection Agency.

24 (2) PLASTIC.—The term “plastic” means a syn-
25 thetic or semisynthetic material that—

1 (A) is natural rubber; or

2 (B) has naturally occurring polymers, such
3 as proteins or starches.

4 (3) REFILL; REFILLABLE; REUSABLE; REUSE.—
5 The terms “refill”, “refillable”, “reusable”, and
6 “reuse” mean—

7 (A) with respect to packaging or a food
8 service product that is reused or refilled by a
9 producer, that the packaging or food service
10 product is—

11 (i) explicitly designed and marketed to
12 be utilized for not less than the number of
13 cycles that the Administrator determines
14 to be appropriate, for the same product, or
15 for another purposeful packaging use in a
16 supply chain;

17 (ii) designed for durability to function
18 properly in original condition for multiple
19 cycles;

20 (iii) composed of materials that do not
21 contain—

22 (I) toxic heavy metals;

23 (II) pathogens;

24 (III) additives; or

1 (IV) toxic substances (as defined
2 in section 12000 of the Solid Waste
3 Disposal Act);

4 (iv) supported by adequate infrastruc-
5 ture to ensure that the packaging or food
6 service product can be conveniently and
7 safely reused or refilled for multiple cycles;
8 and

9 (v) repeatedly recovered, inspected,
10 and repaired, if necessary, and reissued
11 into the supply chain for reuse or refill for
12 multiple cycles; and

13 (B) with respect to packaging or a food
14 service product that is reused or refilled by a
15 consumer, that the packaging or food service
16 product is—

17 (i) explicitly designed and marketed to
18 be utilized for not less than the number of
19 cycles that the Administrator determines
20 to be appropriate, for the same product;

21 (ii) designed for durability to function
22 properly in its original condition for mul-
23 tiple cycles;

24 (iii) composed of materials that do not
25 contain—

- 1 (I) toxic heavy metals;
2 (II) pathogens;
3 (III) additives; or
4 (IV) toxic substances (as defined
5 in section 12000 of the Solid Waste
6 Disposal Act); and
7 (iv) supported by adequate and con-
8 venient availability of, and retail infra-
9 structure for, bulk or large format pack-
10 aging that may be refilled to ensure the
11 packaging or food service product can be
12 conveniently and safely reused or refilled
13 by the consumer for multiple cycles, as
14 needed.

15 (4) SINGLE-USE PLASTIC.—

16 (A) IN GENERAL.—The term “single-use
17 plastic” means a plastic product or packaging
18 that—

- 19 (i) is routinely disposed of, recycled,
20 or otherwise discarded after a single use;
21 or
22 (ii) is not sufficiently durable or wash-
23 able to be, or is not intended to be, reus-
24 able or refillable.

1 (B) EXCLUSIONS.—The term “single-use
2 plastic” does not include—

3 (i) medical equipment, medical de-
4 vices, consumer personal protective equip-
5 ment, or other products determined by the
6 Secretary of Health and Human Services
7 to necessarily be made of plastic for the
8 protection of public health or for people
9 with disabilities;

10 (ii) packaging that is—

11 (I) for any product described in
12 clause (i) that is determined by the
13 Secretary of Health and Human Serv-
14 ices to necessarily be used for the pro-
15 tection of public health or for people
16 with disabilities; or

17 (II) used for the shipment of
18 hazardous materials, such that the
19 packaging is prohibited from being
20 composed of used materials under sec-
21 tion 178.509 or 178.522 of title 49,
22 Code of Federal Regulations (as in ef-
23 fect on the date of enactment of this
24 Act); or

1 (iii) personal hygiene products that,
2 due to the intended use of the products,
3 could become unsafe or unsanitary to recycle,
4 such as diapers.

5 **SEC. 204. ENVIRONMENTAL JUSTICE PROTECTIONS AT**
6 **COVERED FACILITIES.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMMUNITY OF COLOR.—The term “community
9 of color” means a geographically distinct
10 area in which the percentage of the population of the
11 community represented by people of color is higher
12 than the percentage of the population of the State
13 represented by people of color.

14 (2) CONSULTATION.—The term “consultation”
15 means the meaningful and timely process of—

16 (A) seeking, discussing, and carefully considering
17 the views of fenceline communities in a
18 manner that is cognizant of the values of all
19 parties; and

20 (B) when feasible, seeking agreement
21 among the parties.

22 (3) COVERED FACILITY.—The term “covered
23 facility” means—

24 (A) an industrial facility that transforms
25 petrochemical gas and liquids into ethylene and

1 propylene for later conversion into plastic poly-
2 mers;

3 (B) an industrial facility that transforms
4 ethylene and propylene into any other chemical
5 for later conversion into plastic polymers;

6 (C) a plastic polymerization, monomer,
7 polymer, or resin production facility;

8 (D) an industrial facility that
9 depolymerizes or otherwise breaks down plastic
10 polymers into chemical feedstocks for use in
11 new products or as fuel;

12 (E) an industrial facility that converts, in-
13 cluding through pyrolysis or gasification, plastic
14 polymers into chemical feedstocks;

15 (F) an industrial facility that generates
16 fuel or energy from plastic polymers through
17 waste-to-fuel technology, an incinerator, pyrol-
18 ysis, gasification, or other similar technology, as
19 determined by the Administrator; and

20 (G) an industrial facility that produces a
21 chemical feedstock for use in the plastics manu-
22 facturing industry.

23 (4) COVERED PRODUCT.—The term “covered
24 product” means—

25 (A) ethylene;

1 (B) propylene; and

2 (C) raw plastic materials in any form, in-
3 cluding pellets, resin, nurdles, powder, and
4 flakes, including—

5 (i) polyethylene terephthalate (com-
6 monly referred to as “PET” or “PETE”);

7 (ii) high-density polyethylene (com-
8 monly referred to as “HDPE”);

9 (iii) low-density polyethylene (com-
10 monly referred to as “LDPE”);

11 (iv) polypropylene (commonly referred
12 to as “PP”);

13 (v) polyvinyl chloride (commonly re-
14 ferred to as “PVC”);

15 (vi) polystyrene (commonly referred to
16 as “PS”); and

17 (vii) any other plastic polymer deter-
18 mined to be appropriate by the Adminis-
19 trator.

20 (5) ENVIRONMENTAL JUSTICE.—The term “en-
21 vironmental justice” means the fair treatment and
22 meaningful involvement of all individuals, regardless
23 of race, color, national origin, educational level, or
24 income, with respect to the development, implemen-

1 tation, and enforcement of environmental laws, regu-
2 lations, and policies to ensure that—

3 (A) communities with significant popu-
4 lations of racial minorities, communities of
5 color, Indigenous communities, and low-income
6 communities have full access to public informa-
7 tion and opportunities for meaningful public
8 participation with respect to human health and
9 environmental planning, regulations, and en-
10 forcement;

11 (B) no community described in subpara-
12 graph (A) is exposed to a disproportionate bur-
13 den of the negative human health and environ-
14 mental impacts of pollution or other environ-
15 mental hazards; and

16 (C) the 17 principles described in the docu-
17 ment entitled “The Principles of Environmental
18 Justice”, written and adopted at the First Na-
19 tional People of Color Environmental Leader-
20 ship Summit convened on October 24 through
21 27, 1991, in Washington, DC, are upheld.

22 (6) FENCELINE COMMUNITY.—

23 (A) IN GENERAL.—The term “fenceline
24 community” means a community located near a

1 covered facility that has experienced, as a result
2 of that location—

3 (i) negative impacts on human health
4 and the environment; and

5 (ii) systemic socioeconomic disparity
6 or another form of injustice with respect to
7 policies, regulations, or enforcement.

8 (B) INCLUSIONS.—The term “fenceline
9 community” includes a low-income community,
10 an Indigenous community, and a community of
11 color.

12 (7) INDIGENOUS COMMUNITY.—The term “In-
13 digenous community” means—

14 (A) a federally recognized Indian Tribe;

15 (B) a State-recognized Indian Tribe;

16 (C) an Alaska Native or Native Hawaiian
17 community or organization; and

18 (D) any other community of Indigenous in-
19 dividuals, including communities in other coun-
20 tries.

21 (8) LIMITED ENGLISH PROFICIENCY INDI-
22 VIDUAL.—The term “limited English proficiency in-
23 dividual” means an individual that—

24 (A) does not speak English as their pri-
25 mary language; or

1 (B) has a limited ability to read, speak,
2 write, or understand English.

3 (9) LOW-INCOME COMMUNITY.—The term “low-
4 income community” means any census block group
5 in which 30 percent or more of the population are
6 individuals with an annual household income equal
7 to, or less than, the greater of—

8 (A) an amount equal to 80 percent of the
9 median income of the area in which the house-
10 hold is located, as reported by the Secretary of
11 Housing and Urban Development; and

12 (B) 200 percent of the Federal poverty
13 line.

14 (10) MATERIAL RECOVERY FACILITY.—The
15 term “material recovery facility” means a solid
16 waste management facility that processes materials
17 for reuse or recycling.

18 (11) MEANINGFUL.—The term “meaningful”,
19 with respect to involvement by the public in a deter-
20 mination by a Federal agency, means that—

21 (A) potentially affected residents of a com-
22 munity have an appropriate opportunity to par-
23 ticipate in decisions relating to a proposed ac-
24 tivity that will affect the environment or public
25 health of the community;

1 (B) the public contribution can influence
2 the determination by the Federal agency;

3 (C) the concerns of all participants are
4 taken into consideration in the decision-making
5 process; and

6 (D) the Federal agency—

7 (i) provides to potentially affected
8 members of the public accurate informa-
9 tion, including identifying limited English
10 proficiency individuals who need language
11 assistance, implementing accessible lan-
12 guage assistance measures, and providing
13 notice to limited English proficiency indi-
14 viduals for effective engagement in deci-
15 sions; and

16 (ii) facilitates the involvement of po-
17 tentially affected members of the public.

18 (12) TEMPORARY PAUSE PERIOD.—The term
19 “temporary pause period” means the period—

20 (A) beginning on the date of enactment of
21 this Act; and

22 (B) ending on the date that is the first
23 date on which—

1 (i) all regulations and final rules re-
2 quired under subsections (d), (e), and (f)
3 are in effect; and

4 (ii) the amendments made by sub-
5 section (i) are fully implemented.

6 (13) TRANSLATION SERVICES.—The term
7 “translation services” means professional language
8 translation and interpretation for oral communica-
9 tions, and translation for written documents and no-
10 tices, in any language spoken by more than 5 per-
11 cent of the population residing within a fenceline
12 community.

13 (b) NATIONAL ACADEMIES STUDY OF PLASTICS IN-
14 DUSTRY.—

15 (1) AGREEMENT.—

16 (A) IN GENERAL.—The Administrator
17 shall offer to enter into an agreement with the
18 National Academy of Sciences and the National
19 Institutes of Health to conduct a study of—

20 (i) the existing and planned expansion
21 of the industry of producers of covered
22 products, including the entire supply chain,
23 the extraction and refining of fossil fuels
24 and polymer feedstocks, chemical recycling

1 efforts, end uses, disposal fate, and
2 lifecycle impacts of covered products;

3 (ii) the environmental, public health,
4 environmental justice, and pollution im-
5 pacts of covered facilities and the products
6 of covered facilities;

7 (iii) the use of additives in the pro-
8 duction of covered products and the con-
9 sequences of those additives on public
10 health;

11 (iv) the existing standard technologies
12 and practices of covered facilities with re-
13 spect to the discharge and emission of pol-
14 lutants into the environment;

15 (v) the best available technologies and
16 practices that reduce or eliminate the envi-
17 ronmental justice and pollution impacts of
18 covered facilities, associated infrastructure
19 of covered facilities, and the products of
20 covered facilities; and

21 (vi) the toxicity of plastic polymers,
22 additives, and chemicals (including byprod-
23 ucts), including the impacts of those poly-
24 mers, additives, and chemicals on—

25 (I) public health;

- 1 (II) the recyclability of plastic;
2 and
3 (III) the ability to use recycled
4 content.

5 (B) FAILURE TO ENTER AGREEMENT.—If
6 the Administrator fails to enter into an agree-
7 ment described in subparagraph (A), the Ad-
8 ministrator shall conduct the study described in
9 that subparagraph.

10 (2) REQUIREMENTS.—The study under para-
11 graph (1) shall—

12 (A) take into consideration—

13 (i) the direct, indirect, and cumulative
14 environmental impacts of industries, in-
15 cluding plastic production industries,
16 chemical recycling industries, and the in-
17 dustries of other covered facilities; and

18 (ii) the impacts of the planned expan-
19 sion of those industries, including local, re-
20 gional, national, and international air,
21 water, waste, climate change, public health,
22 and environmental justice impacts of those
23 industries; and

24 (B) recommend technologies, regulations,
25 standards, and practices, including rec-

1 ommendations for technologies, regulations,
2 standards, and practices that will best carry out
3 the regulatory modifications required under
4 subsections (d), (e), and (g), to remediate or
5 eliminate the local, regional, national, and inter-
6 national air, water, waste, climate change, pub-
7 lic health, and environmental justice impacts of
8 the industries described in subparagraph (A)(i).

9 (3) REPORT.—Not later than 18 months after
10 the date of enactment of this Act, the Administrator
11 shall submit to Congress a report describing the re-
12 sults of the study under paragraph (1).

13 (4) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the Na-
15 tional Academy of Sciences and the National Insti-
16 tutes of Health such sums as are necessary to carry
17 out this subsection.

18 (c) PERMITTING MORATORIUM FOR COVERED FA-
19 CILITIES.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 during the temporary pause period, notwithstanding
22 any other provision of law—

23 (A) the Administrator shall not issue a
24 new permit for a covered facility under—

1 (i) the Clean Air Act (42 U.S.C. 7401
2 et seq.); or

3 (ii) the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1251 et seq.);

5 (B) the Secretary of the Army, acting
6 through the Chief of Engineers, shall not issue
7 a new permit for a covered facility under sec-
8 tion 404 of the Federal Water Pollution Control
9 Act (33 U.S.C. 1344);

10 (C) the Administrator shall object in writ-
11 ing under subsections (b) and (c) of section 505
12 of the Clean Air Act (42 U.S.C. 7661d) or sec-
13 tion 402(d)(2) of the Federal Water Pollution
14 Control Act (33 U.S.C. 1342(d)(2)), as applica-
15 ble, to any new permit issued to a covered facil-
16 ity by a State agency delegated authority under
17 the Clean Air Act (42 U.S.C. 7401 et seq.) or
18 the Federal Water Pollution Control Act (33
19 U.S.C. 1251 et seq.); and

20 (D) the export of covered products is pro-
21 hibited.

22 (2) EXCEPTION.—Paragraph (1) does not apply
23 to a permit described in that paragraph for a facility
24 that is—

25 (A) a material recovery facility;

1 (B) a mechanical recycling facility; or

2 (C) a compost facility.

3 (d) CLEAN AIR REQUIREMENTS FOR COVERED FA-
4 CILITIES.—

5 (1) TIMELY REVISION OF EMISSIONS STAND-
6 ARDS.—Section 111(b)(1)(B) of the Clean Air Act
7 (42 U.S.C. 7411(b)(1)(B)) is amended by striking
8 the fifth sentence.

9 (2) NEW SOURCE PERFORMANCE STANDARDS
10 FOR CERTAIN FACILITIES.—Not later than 3 years
11 after the date of enactment of this Act, the Adminis-
12 trator shall promulgate a final rule—

13 (A) designating petrochemical feedstock
14 and polymer production facilities as a category
15 of stationary source under section 111(b)(1)(A)
16 of the Clean Air Act (42 U.S.C.
17 7411(b)(1)(A)); and

18 (B) establishing new source performance
19 standards under section 111(f)(1) of the Clean
20 Air Act (42 U.S.C. 7411(f)(1)) for the category
21 of stationary source designated under subpara-
22 graph (A).

23 (3) STORAGE VESSELS FOR COVERED PROD-
24 UCTS.—Not later than 3 years after the date of en-
25 actment of this Act, the Administrator shall promul-

1 gate a final rule modifying section 60.112b(a) of
2 title 40, Code of Federal Regulations, to ensure that
3 an owner or operator of a storage vessel containing
4 liquid with a vapor pressure equal to not less than
5 5 millimeters of mercury under actual storage condi-
6 tions that is regulated under that section uses—

7 (A) an internal floating roof tank con-
8 nected to a volatile organic compound control
9 device; or

10 (B) a fixed-roof tank connected to a vola-
11 tile organic compound control device.

12 (4) FLARING.—Not later than 1 year after the
13 date of enactment of this Act, the Administrator
14 shall promulgate a final rule—

15 (A) modifying title 40, Code of Federal
16 Regulations, to ensure that flaring, at ground-
17 level and elevated, shall only be permitted when
18 necessary solely for safety reasons; and

19 (B) modifying sections 60.112b(a)(3)(ii),
20 60.115b(d)(1), 60.482–10a(d), 60.562–
21 1(a)(1)(i)(C), 60.662(b), and 60.702(b) of title
22 40, Code of Federal Regulations, to ensure
23 that—

1 (i) references to flare standards under
2 those sections refer to the flare standards
3 established under subparagraph (A); and

4 (ii) the flare standards under those
5 sections are, without exception, continu-
6 ously applied.

7 (5) SOCFI EQUIPMENT LEAKS.—Not later
8 than 3 years after the date of enactment of this Act,
9 the Administrator shall promulgate a final rule—

10 (A) modifying section 60.482–1a of title
11 40, Code of Federal Regulations, to ensure that
12 owners and operators use process units and
13 components with a leak-less or seal-less design;

14 (B) modifying subsection (f) of that sec-
15 tion to ensure that owners and operators use
16 optical gas imaging monitoring pursuant to sec-
17 tion 60.5397a of that title on a quarterly basis,
18 unless the owner or operator receives approval
19 from the Administrator, in writing, to use
20 Method 21 of the Environmental Protection
21 Agency (as described in appendix A–7 of part
22 60 of title 40, Code of Federal Regulations (as
23 in effect on the date of enactment of this Act))
24 with a repair threshold of 500 parts per billion;

1 (C) modifying 60.482–6a of title 40, Code
2 of Federal Regulations, to ensure that the use
3 of open-ended valves or lines is prohibited un-
4 less a showing is made that the use of an open-
5 ended valve or line is necessary for safety rea-
6 sons; and

7 (D) modifying subpart VVa of part 60 of
8 title 40, Code of Federal Regulations, to ensure
9 that—

10 (i) the term “no detectable emissions”
11 is defined to mean an instrument reading
12 of less than 50 parts per billion above
13 background concentrations; and

14 (ii) the term “leak” is defined to
15 mean an instrument reading of not less
16 than 50 parts per billion above background
17 concentrations.

18 (6) NATURAL GAS-FIRED STEAM BOILERS.—
19 Not later than 3 years after the date of enactment
20 of this Act, the Administrator shall promulgate a
21 final rule revising subpart Db of part 60 of title 40,
22 Code of Federal Regulations, to ensure that boilers
23 or heaters located at an affected covered facility reg-
24 ulated under that subpart may only burn gaseous
25 fuels, not solid fuels or liquid fuels.

1 (7) NATIONAL EMISSION STANDARDS FOR HAZ-
2 ARDOUS AIR POLLUTANTS IMPLEMENTATION IM-
3 PROVEMENTS.—

4 (A) EQUIPMENT LEAKS OF BENZENE.—

5 Not later than 3 years after the date of enact-
6 ment of this Act, the Administrator shall pro-
7 mulgate a final rule to strike subsection (e) of
8 section 61.112 of title 40, Code of Federal Reg-
9 ulations.

10 (B) BENZENE WASTE OPERATIONS.—Not

11 later than 3 years after the date of enactment
12 of this Act, the Administrator shall promulgate
13 a final rule modifying subpart FF of part 61 of
14 title 40, Code of Federal Regulations, to ensure
15 that—

16 (i) the term “no detectable emissions”

17 is defined to mean an instrument reading
18 of less than 50 parts per billion above
19 background concentrations; and

20 (ii) the term “leak” is defined to

21 mean an instrument reading of not less
22 than 50 parts per billion above background
23 concentrations.

24 (C) MAXIMUM ACHIEVABLE CONTROL

25 TECHNOLOGY STANDARDS FOR COVERED FA-

1 CILITIES.—Not later than 1 year after the date
2 of enactment of this Act, the Administrator
3 shall—

4 (i) promulgate a final rule modifying
5 subpart YY of part 63 of title 40, Code of
6 Federal Regulations, to ensure that—

7 (I) the generic maximum achiev-
8 able control technology standards de-
9 scribed in that subpart—

10 (aa) require no detectable
11 emissions of hazardous air pollut-
12 ants, unless the Administrator—

13 (AA) determines that
14 the maximum degree of re-
15 duction in emissions of haz-
16 ardous air pollutants achiev-
17 able pursuant to section
18 112(d)(2) of the Clean Air
19 Act (42 U.S.C. 7412(d)(2))
20 justifies higher limits; and

21 (BB) publishes the de-
22 termination under subitem
23 (AA) and the proposed high-
24 er limits in a rulemaking;

1 (bb) ensure an ample mar-
2 gin of safety to protect public
3 health and prevent an adverse
4 environmental effect; and

5 (cc) prevent adverse cumu-
6 lative effects to fetal health, the
7 health of children, and the health
8 of vulnerable subpopulations; and

9 (II) the term “no detectable
10 emissions”, as required under sub-
11 clause (I)(aa), is defined to mean an
12 instrument reading of less than 50
13 parts per billion above background
14 concentrations; and

15 (ii) in promulgating the final rule pur-
16 suant to clause (i), take into consider-
17 ation—

18 (I) the effects and risks of expo-
19 sure from cumulative sources of haz-
20 ardous air pollutants under the sub-
21 part modified under that clause; and

22 (II) the best available science, in-
23 cluding science provided by the Na-
24 tional Academy of Sciences.

1 (8) MONITORING.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator
3 shall promulgate a final rule revising subparts DDD,
4 NNN, and RRR and other relevant subparts of part
5 60 of title 40, Code of Federal Regulations—

6 (A) to require continuous emissions moni-
7 toring of benzene, nitrogen oxides, sulfur diox-
8 ide, carbon monoxide, other hazardous air pol-
9 lutants, and filterable particulate matter for all
10 combustion devices, including during startups,
11 shutdowns, and malfunctions of the facilities
12 regulated by those subparts;

13 (B) to require—

14 (i) accurate and continuous record-
15 keeping when continuous emissions moni-
16 toring is required under subparagraph (A);
17 and

18 (ii) the records required under clause
19 (i) to be made available to the public in
20 real time;

21 (C) to require continuous monitoring of
22 emissions from combustion devices under sec-
23 tion 63.658 of title 40, Code of Federal Regula-
24 tions (as in effect on the date of enactment of
25 this Act), for nitrogen oxides, sulfur dioxide,

1 carbon monoxide, filterable and condensable
2 particulate matter, and all other relevant haz-
3 ardous air pollutants; and

4 (D) to ensure that the continuous moni-
5 toring of combustion devices required under
6 subparagraphs (A) and (C) are used to deter-
7 mine the compliance of facilities regulated by
8 those subparts with the Clean Air Act (42
9 U.S.C. 7401 et seq.).

10 (e) CLEAN WATER REQUIREMENTS FOR COVERED
11 FACILITIES.—

12 (1) BAT AND NSPS STANDARDS FOR PLASTIC
13 POLYMER PRODUCTION.—Not later than 3 years
14 after the date of enactment of this Act, the Adminis-
15 trator shall promulgate a final rule—

16 (A) modifying part 414 of title 40, Code of
17 Federal Regulations, to ensure that the best
18 available technology and new source perform-
19 ance standard requirements under that part re-
20 flect updated best available technology and best
21 available demonstrated control technology for
22 all pollutants discharged by covered facilities
23 that produce covered products, including pollut-
24 ants of concern that are not regulated on the
25 date of enactment of this Act;

1 (B) modifying sections 414.91(b),
2 414.101(b), and 414.111(b) of title 40, Code of
3 Federal Regulations, to ensure that—

4 (i) for new source performance stand-
5 ards for applicable covered facilities pro-
6 ducing covered products, the maximum ef-
7 fluent limit for any 1 day and for any
8 monthly average for the priority pollutants
9 described in appendix A to part 423 of
10 title 40, Code of Federal Regulations (as
11 in effect on the date of enactment of this
12 Act), is 0 milligrams per liter, unless the
13 Administrator—

14 (I) determines that higher limits
15 are justified using best available dem-
16 onstrated control technology; and

17 (II) publishes the determination
18 under subclause (I) and the proposed
19 higher limits in a rulemaking; and

20 (ii) for best available technology and
21 new source performance standards, the
22 maximum effluent limit for any 1 day and
23 for any monthly average for total plastic
24 pellets and other plastic material is 0 milli-
25 grams per liter; and

1 (C) that ensures that the best available
2 technology limitations described in part 414 of
3 title 40, Code of Federal Regulations (as modi-
4 fied under subparagraph (A)) apply to covered
5 facilities that produce fewer than 5,000,001
6 pounds of covered products per year.

7 (2) REVISED EFFLUENT LIMITATIONS GUIDE-
8 LINES FOR PETROCHEMICAL FEEDSTOCK AND POLY-
9 MER PRODUCTION.—

10 (A) BAT AND NCPS STANDARDS.—Not
11 later than 3 years after the date of enactment
12 of this Act, the Administrator shall promulgate
13 a final rule—

14 (i) modifying sections 419.23, 419.26,
15 419.33, and 419.36 of title 40, Code of
16 Federal Regulations, to ensure that the
17 best available technology and new source
18 performance standards reflect updated best
19 available technology and best available
20 demonstrated control technology for all
21 pollutants discharged by covered facilities
22 producing petrochemical feedstocks and
23 polymers; and

24 (ii) modifying sections 419.26(a) and
25 419.36(a) of title 40, Code of Federal Reg-

1 ulations, to ensure that the new source
2 performance standards for any 1 day and
3 for average of daily values for 30 consecu-
4 tive days for the priority pollutants de-
5 scribed in appendix A to part 423 of title
6 40, Code of Federal Regulations (as in ef-
7 fect on the date of enactment of this Act),
8 is 0 milligrams per liter, unless the Admin-
9 istrator—

10 (I) determines that higher limits
11 are necessary based on the best avail-
12 able demonstrated control technology;
13 and

14 (II) publishes the determination
15 under subclause (I) and the proposed
16 higher limits in a rulemaking.

17 (B) RUNOFF LIMITATIONS FOR ETHYLENE
18 AND PROPYLENE PRODUCTION.—Not later than
19 3 years after the date of enactment of this Act,
20 the Administrator shall promulgate a final rule
21 modifying sections 419.26(e) and 419.36(e) of
22 title 40, Code of Federal Regulations, to ensure
23 that runoff limitations that reflect best avail-
24 able demonstrated control technology are in-
25 cluded.

1 (f) ENVIRONMENTAL JUSTICE REQUIREMENTS FOR
2 COVERED FACILITIES.—

3 (1) IN GENERAL.—Not later than 2 years after
4 the date of enactment of this Act, the Administrator
5 shall promulgate a final rule to ensure that—

6 (A) any proposed permit to be issued by
7 the Administrator or a State agency to which
8 authority is delegated under the Clean Air Act
9 (42 U.S.C. 7401 et seq.) or the Federal Water
10 Pollution Control Act (33 U.S.C. 1251 et seq.)
11 with respect to a covered facility is accompanied
12 by an environmental justice assessment that—

13 (i) assesses the direct, indirect, and
14 cumulative economic, environmental, and
15 public health impacts of the proposed per-
16 mit on fenceline communities; and

17 (ii) proposes changes or alterations to
18 the proposed permit that would, to the
19 maximum extent practicable, eliminate or
20 mitigate the impacts described in clause
21 (i);

22 (B) each proposed permit and environ-
23 mental justice assessment described in subpara-
24 graph (A) is delivered to applicable fenceline
25 communities at the beginning of the public com-

1 ment period for the proposed permit for pur-
2 poses of notification and consultation, which
3 shall include—

4 (i) prompt notification—

5 (I) through direct means, includ-
6 ing in non-English languages for lim-
7 ited English proficiency individuals;

8 (II) through publications likely to
9 be obtained by residents of the
10 fenceline community, including non-
11 English language publications; and

12 (III) in the form of a public
13 hearing in the fenceline community—

14 (aa) for which public notice
15 is provided—

16 (AA) not later than 60
17 days before the date on
18 which the public hearing is
19 to be held; and

20 (BB) using the means
21 described in subclauses (I)
22 and (II);

23 (bb) for which translation
24 services are provided; and

1 (cc) that is accessible
2 through live-streaming or alter-
3 native video streaming services
4 for which translation services are
5 provided; and

6 (ii) after the prompt notification re-
7 quired under clause (i), consultation that—

8 (I) facilitates effective collabora-
9 tion and informed policymaking that
10 further recognizes the importance of
11 regular communication and collabora-
12 tion with fenceline communities, re-
13 gardless of whether specific regulatory
14 or policy changes are being consid-
15 ered;

16 (II) seeks information and input
17 from fenceline communities by solie-
18 iting the collaboration, cooperation,
19 and participation of those fenceline
20 communities;

21 (III) includes an in-person meet-
22 ing or a telephone conference that—

23 (aa) is in a location, if appli-
24 cable, that is selected by those
25 engaged in the consultation to be

1 mutually accessible to representa-
2 tives of fenceline communities
3 and applicable Federal or State
4 government participants; and

5 (bb) removes institutional
6 and procedural impediments that
7 adversely affect working directly
8 with fenceline communities;

9 (IV) ensures that any health or
10 environmental concerns raised by
11 fenceline communities will be prop-
12 erly investigated and considered in de-
13 cisions to grant or deny the proposed
14 permit; and

15 (V) explains to the representa-
16 tives of the fenceline community the
17 range of resulting actions that the Ad-
18 ministrator or State agency may take;

19 (C) the Administrator or a State agency to
20 which authority is delegated under the Clean
21 Air Act (42 U.S.C. 7401 et seq.) or the Federal
22 Water Pollution Control Act (33 U.S.C. 1251 et
23 seq.), as applicable, shall not approve a pro-
24 posed permit described in subparagraph (A) un-
25 less—

1 (i) changes or alterations have been
2 incorporated into the revised proposed per-
3 mit that, to the maximum extent prac-
4 ticable, eliminate or mitigate the impacts
5 described in subparagraph (A)(i);

6 (ii) the changes or alterations de-
7 scribed in clause (i) have been developed
8 with meaningful input from residents or
9 representatives of the fenceline community
10 in which the covered facility to which the
11 proposed permit would apply is located or
12 seeks to locate; and

13 (iii) the permit includes a community
14 benefit agreement that—

15 (I) has been entered into after
16 the prompt notification and consulta-
17 tion required under clauses (i) and
18 (ii), respectively, of subparagraph (B);
19 and

20 (II) stipulates the benefits the
21 covered facility agrees to fund or fur-
22 nish in exchange for community sup-
23 port for the covered facility, which
24 may include—

- 1 (aa) commitments to hire di-
2 rectly from a community;
- 3 (bb) contributions to eco-
4 nomic and health trust funds;
- 5 (cc) local workforce training
6 guarantees;
- 7 (dd) increased pollution con-
8 trol technologies;
- 9 (ee) operation restrictions;
- 10 (ff) financial assurances;
- 11 and
- 12 (gg) siting restrictions;

13 (D) the Administrator or a State agency to
14 which authority is delegated under the Clean
15 Air Act (42 U.S.C. 7401 et seq.) or the Federal
16 Water Pollution Control Act (33 U.S.C. 1251 et
17 seq.), as applicable, shall not approve a pro-
18 posed permit described in subparagraph (A)
19 during the 45-day period beginning on the date
20 on which a public hearing described in subpara-
21 graph (B)(i)(III) is held for the proposed per-
22 mit;

23 (E) the approval of a proposed permit de-
24 scribed in subparagraph (A) is conditioned on
25 the covered facility providing—

1 (i) response strategies that fully pro-
2 tect public health and safety and the envi-
3 ronment in fenceline communities, for
4 which the affected fenceline communities
5 have the opportunity to provide meaningful
6 input; and

7 (ii) subject to subparagraph (F)—

8 (I) comprehensive, continuous,
9 real-time monitoring of ambient air
10 quality—

11 (aa) around the perimeter of
12 the covered facility; and

13 (bb) in any areas that can
14 reasonably be impacted by the
15 covered facility;

16 (II) water quality testing of
17 wastewater discharges from the cov-
18 ered facility; and

19 (F) regardless of whether a permit has
20 been sought or issued with respect to the chem-
21 ical, each covered facility shall conduct appro-
22 priate air and water quality monitoring and
23 testing relating to each chemical produced at
24 the covered facility in a quantity of more than
25 100 pounds per year, and each chemical pro-

1 duced at the covered facility that is emitted in
2 excess of the applicable level permitted under
3 the Clean Air Act (42 U.S.C. 7401 et seq.) or
4 the Federal Water Pollution Control Act (33
5 U.S.C. 1251 et seq.), as applicable, to ensure
6 that any discharge of such a chemical into the
7 air or water shall be—

8 (i) reported to the Administrator by
9 not later than 48 hours after receipt of the
10 test result; and

11 (ii) if a release of information to the
12 public is not limited due to confidentiality
13 concerns, made publicly available in ac-
14 cordance with subclauses (I) and (II) of
15 subparagraph (B)(i).

16 (2) REQUIREMENTS.—

17 (A) INPUT.—The Administrator shall de-
18 velop the final rule under paragraph (1) with
19 meaningful input from—

20 (i) residents of fenceline communities;
21 and

22 (ii) representatives of fenceline com-
23 munities.

24 (B) COMMUNITY CONSULTATION.—In car-
25 rying out consultation under paragraph

1 (1)(B)(ii), the Administrator and each State
2 agency to which authority is delegated under
3 the Clean Air Act (42 U.S.C. 7401 et seq.) or
4 the Federal Water Pollution Control Act (33
5 U.S.C. 1251 et seq.) shall establish a dedicated
6 position that—

7 (i) supports fenceline communities in
8 understanding the technical nuances of the
9 permit and regulatory process; and

10 (ii) accounts for limited English pro-
11 ficiency individuals.

12 (3) REPORT TO CONGRESS ON STATE PERMIT-
13 TING PROGRAMS.—Not later than 2 years after the
14 date on which the final rule required under para-
15 graph (1) is published in the Federal Register, and
16 not less frequently than once every 5 years there-
17 after, the Administrator shall submit to Congress a
18 report evaluating the implementation by States of
19 required environmental justice considerations pursu-
20 ant to that final rule in State permitting programs
21 under the Clean Air Act (42 U.S.C. 7401 et seq.)
22 and the Federal Water Pollution Control Act (33
23 U.S.C. 1251 et seq.).

24 (g) TOXIC SUBSTANCES.—

1 (1) INVENTORY AND REPORTING.—Section 8(b)
2 of the Toxic Substances Control Act (15 U.S.C.
3 2607(b)) is amended by adding at the end the fol-
4 lowing:

5 “(11) PLASTICS.—

6 “(A) DEFINITIONS.—In this paragraph:

7 “(i) COVERED FACILITY; COVERED
8 PRODUCT.—The terms ‘covered facility’
9 and ‘covered product’ have the meanings
10 given those terms in section 204(a) of the
11 Protecting Communities from Plastics Act.

12 “(ii) PLASTIC; SINGLE-USE PLAS-
13 TIC.—The terms ‘plastic’ and ‘single-use
14 plastic’ have the meanings given those
15 terms in section 203 of the Protecting
16 Communities from Plastics Act.

17 “(B) INVENTORY.—Not later than April 1,
18 2025, and every 3 years thereafter, the Admin-
19 istrator shall prepare, and publish in the Fed-
20 eral Register, an inventory of plastic manufac-
21 turing, distribution in commerce, and trade in
22 the United States.

23 “(C) PROCESS.—In preparing the inven-
24 tory under subparagraph (B), the Adminis-
25 trator shall—

- 1 “(i) identify—
2 “(I) each covered facility; and
3 “(II) any other manufacturer of
4 plastic products;
5 “(ii) identify—
6 “(I) the monomers and polymers
7 associated with plastic production;
8 “(II) the types or uses of plastic
9 products manufactured; and
10 “(III) the associated quantities of
11 polymer and product manufacture and
12 uses;
13 “(iii) quantify the single-use plastics
14 manufactured—
15 “(I) in the aggregate; and
16 “(II) by use category;
17 “(iv) quantify the percentage of post-
18 consumer recycled material content of
19 feedstocks for manufacture of the types of
20 plastic products identified under clause
21 (ii)(II);
22 “(v) provide information and quan-
23 tified estimates regarding the fate of the
24 plastic products at the end of useful life;

1 “(vi) identify the chemicals used in
2 polymer or plastic production that may
3 pose a potential risk to human health and
4 the environment, taking into account the
5 data reported under subparagraph (D)(i),
6 which shall include, at a minimum, the in-
7 formation described in subparagraphs (A)
8 through (G) of subsection (a)(2);

9 “(vii) specify any chemicals identified
10 under clause (vi)—

11 “(I) that are undergoing regu-
12 latory action under section 6; or

13 “(II) for which regulatory action
14 under section 6 is anticipated during
15 the following 3 years;

16 “(viii) for each chemical identified
17 under clause (vi) that is not specified
18 under clause (vii), provide a timetable for
19 regulatory action under section 6 and any
20 other recommended actions, including pro-
21 posed revisions of Federal law or regula-
22 tions, to achieve further reductions in plas-
23 tic manufacture or distribution in com-
24 merce; and

1 “(ix) propose revisions to Federal law
2 or regulations to achieve further reductions
3 in plastic manufacture or distribution in
4 commerce.

5 “(D) REPORTING.—

6 “(i) IN GENERAL.—To assist in the
7 preparation of the inventory under sub-
8 paragraph (B), notwithstanding section
9 3(2)(B), each person that manufactures a
10 covered product used in plastic production,
11 and each person that manufactures a plas-
12 tic product, shall submit to the Adminis-
13 trator periodic reports at such time and in-
14 cluding such information as the Adminis-
15 trator shall determine, by rule.

16 “(ii) PROMULGATION OF RULE.—Not
17 later than July 1, 2024, the Administrator
18 shall promulgate the rule described in
19 clause (i).

20 “(iii) PREVIOUSLY SUBMITTED INFOR-
21 MATION.—To avoid duplication, informa-
22 tion previously submitted to the Adminis-
23 trator under this section may be consid-
24 ered to be partially compliant with the re-
25 porting requirements of this subparagraph

1 if the information previously submitted is
2 an accurate reflection of the current infor-
3 mation.

4 “(iv) PUBLIC AVAILABILITY.—The
5 Administrator shall make available to the
6 public, in an accessible database, the re-
7 ports submitted under clause (i), in accord-
8 ance with section 14.”.

9 (2) CUMULATIVE HEALTH RISKS POSED BY
10 COVERED FACILITIES.—

11 (A) DEFINITIONS.—In this paragraph:

12 (i) CHEMICAL SUBSTANCE; MIX-
13 TURE.—The terms “chemical substance”
14 and “mixture” have the meanings given
15 those terms in section 3 of the Toxic Sub-
16 stances Control Act (15 U.S.C. 2602).

17 (ii) COVERED FACILITY.—The term
18 “covered facility” means a covered facility
19 identified in the inventory.

20 (iii) INVENTORY.—The term “inven-
21 tory” means the inventory published under
22 paragraph (11) of section 8(b) of the Toxic
23 Substances Control Act (15 U.S.C.
24 2607(b)).

1 (B) ASSESSMENT.—Not later than April 1,
2 2027, taking into account the inventory, the
3 Administrator shall conduct a single assessment
4 of the aggregate, cumulative public health im-
5 pacts on fenceline communities at covered facili-
6 ties.

7 (C) REQUIREMENTS.—The assessment
8 under subparagraph (B) shall—

9 (i) ascertain the potentially exposed or
10 susceptible subpopulations;

11 (ii) estimate the magnitude of the po-
12 tential health impacts on—

13 (I) fenceline communities gen-
14 erally; and

15 (II) more exposed or susceptible
16 subpopulations specifically;

17 (iii) determine which chemical sub-
18 stances or mixtures may be causing or con-
19 tributing to potential adverse public health
20 impacts;

21 (iv) include an assessment of—

22 (I) the cumulative exposures as-
23 sociated with covered facilities from
24 all chemicals used to make plastic
25 polymers;

1 (II) the chemical substances (in-
2 cluding plastic polymers, additives,
3 and byproducts) produced from—

4 (aa) the use of the plastic
5 polymers as feedstocks for other
6 chemicals; and

7 (bb) waste-to-fuel tech-
8 nology; and

9 (III) the impact of chemical sub-
10 stances (including plastic polymers,
11 additives, and byproducts) on—

12 (aa) the recyclability of plas-
13 tics;

14 (bb) the use of recycled con-
15 tent in food contact products and
16 packaging; and

17 (cc) public health; and

18 (v) focus on—

19 (I) communities located near cov-
20 ered facilities;

21 (II) workers at covered facilities;

22 (III) other potentially exposed or
23 susceptible subpopulations; and

24 (IV) impacts in other countries
25 resulting from—

- 1 (aa) volatile organic com-
2 pounds, metals, and other toxic
3 additives and air emissions of
4 foreign recycling facilities;
- 5 (bb) the export from the
6 United States of plastic products,
7 intermediary products (such as
8 pellets), and plastic waste from
9 covered facilities;
- 10 (cc) disposal and manage-
11 ment of unrecycled fractions
12 from the exports described in
13 item (bb);
- 14 (dd) water and land pollu-
15 tion resulting from importation
16 of those exports; and
- 17 (ee) the legality of those im-
18 ports, including under the Basel
19 Convention on the Control of
20 Transboundary Movements of
21 Hazardous Wastes and Their
22 Disposal, done at Basel, Switzer-
23 land, March 22, 1989.

1 (D) PROCEDURAL REQUIREMENTS.—The
2 assessment under subparagraph (B) shall be
3 subject to—

4 (i) public notice and an opportunity
5 for public comment; and

6 (ii) peer review by the Science Advi-
7 sory Committee on Chemicals established
8 under section 26(o) of the Toxic Sub-
9 stances Control Act (15 U.S.C. 2625(o)).

10 (3) HIGH-PRIORITY SUBSTANCES.—

11 (A) STYRENE AND VINYL CHLORIDE.—Not
12 later than 2 years after the date of enactment
13 of this Act, the Administrator, after public no-
14 tice and an opportunity for comment, shall
15 make a final prioritization determination under
16 section 6(b)(1) of the Toxic Substances Control
17 Act (15 U.S.C. 2605(b)(1)) relating to—

18 (i) styrene (including polystyrene);

19 and

20 (ii) vinyl chloride (including polyvinyl
21 chloride).

22 (B) OTHER CHEMICALS OR MIXTURES.—

23 With respect to any chemical substances or
24 mixtures (as those terms are defined in section
25 3 of the Toxic Substances Control Act (15

1 U.S.C. 2602)) not described in subparagraph
2 (A) and identified in the assessment under
3 paragraph (2) as causing or contributing to po-
4 tential adverse public health impacts, the Ad-
5 ministrator shall—

6 (i) include those chemical substances
7 or mixtures in any subsequently published
8 inventory; and

9 (ii) specify applicable timetables for
10 action as part of the inventory in accord-
11 ance with clause (vii) or (viii) of paragraph
12 (11) of section 8(b) of the Toxic Sub-
13 stances Control Act (15 U.S.C. 2607(b)).

14 (4) AUTHORIZATION OF APPROPRIATIONS.—

15 (A) IN GENERAL.—There are authorized to
16 be appropriated to the Administrator such sums
17 as are necessary to carry out this subsection
18 and the amendments made by this subsection.

19 (B) MAINTENANCE OF FUNDING.—The
20 funding provided under this paragraph shall
21 supplement, not supplant, other Federal fund-
22 ing to carry out the Toxic Substances Control
23 Act (15 U.S.C. 2601 et seq.).

24 (h) HAZARDOUS WASTE.—Not later than 180 days
25 after the date of enactment of this Act, the Administrator

1 shall initiate a rulemaking to list discarded polyvinyl chlo-
 2 ride as a hazardous waste under the Solid Waste Disposal
 3 Act (42 U.S.C. 6901 et seq.).

4 (i) CUMULATIVE IMPACT REQUIREMENTS FOR COV-
 5 ERED FACILITIES.—

6 (1) FEDERAL WATER POLLUTION CONTROL
 7 ACT.—Section 402 of the Federal Water Pollution
 8 Control Act (33 U.S.C. 1342) is amended—

9 (A) by striking the section designation and
 10 heading and all that follows through “Except
 11 as” in subsection (a)(1) and inserting the fol-
 12 lowing:

13 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-
 14 NATION SYSTEM.**

15 **“(a) PERMITS ISSUED BY ADMINISTRATOR.—**

16 **“(1) IN GENERAL.—Except as”;**

17 **(B) in subsection (a)—**

18 **(i) in paragraph (1)—**

19 **(I) by striking “upon condition
 20 that such discharge will meet either
 21 (A) all” and inserting the following:**

22 **“subject to the conditions that—**

23 **“(A) the discharge will achieve compliance
 24 with—**

25 **“(i) all”;**

1 (II) by striking “403 of this Act,
2 or (B) prior” and inserting the fol-
3 lowing: “403; or
4 “(ii) prior”; and
5 (III) by striking “this Act.” and
6 inserting the following: “this Act; and
7 “(B) as applicable, with respect to the
8 issuance or renewal of the permit to a covered
9 facility (as defined in section 204(a) of the Pro-
10 tecting Communities from Plastics Act)—
11 “(i) based on an analysis by the Ad-
12 ministrator of existing water quality and
13 the potential cumulative impacts (as de-
14 fined in section 501 of the Clean Air Act
15 (42 U.S.C. 7661)) of the discharge from
16 the covered facility (as so defined), consid-
17 ered in conjunction with the designated
18 and actual uses of the impacted navigable
19 water, there exists a reasonable certainty
20 of no harm to the health of the general
21 population, or to any potentially exposed or
22 susceptible subpopulation; or
23 “(ii) if the Administrator determines
24 that, due to those potential cumulative im-
25 pacts, there does not exist a reasonable

1 certainty of no harm to the health of the
2 general population, or to any potentially
3 exposed or susceptible subpopulation, the
4 permit or renewal includes such terms and
5 conditions as the Administrator determines
6 to be necessary to ensure a reasonable cer-
7 tainty of no harm.”; and

8 (ii) in paragraph (2), by striking “as-
9 sure compliance with the requirements of
10 paragraph (1) of this subsection, including
11 conditions on data and information collec-
12 tion, reporting, and such other require-
13 ments as he deems appropriate.” and in-
14 serting the following: “ensure compliance
15 with the requirements of paragraph (1), in-
16 cluding—

17 “(A) conditions relating to—

18 “(i) data and information collection;

19 “(ii) reporting; and

20 “(iii) such other requirements as the
21 Administrator determines to be appro-
22 priate; and

23 “(B) with respect to covered facilities (as
24 defined in section 204(a) of the Protecting
25 Communities from Plastics Act) additional con-

1 trols or pollution prevention requirements.”;
2 and

3 (C) in subsection (b)—

4 (i) in each of paragraphs (1)(D),
5 (2)(B), and (3) through (7), by striking
6 the semicolon at the end and inserting a
7 period;

8 (ii) in paragraph (8), by striking “;
9 and” at the end and inserting a period;
10 and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(10) To ensure that no permit will be issued
14 to or renewed for a covered facility (as defined in
15 section 204(a) of the Protecting Communities from
16 Plastics Act) if, with respect to an application for
17 the permit, the State determines, based on an anal-
18 ysis by the State of existing water quality and the
19 potential cumulative impacts (as defined in section
20 501 of the Clean Air Act (42 U.S.C. 7661)) of the
21 discharge from the covered facility (as so defined),
22 considered in conjunction with the designated and
23 actual uses of the impacted navigable water, that the
24 terms and conditions of the permit or renewal would
25 not be sufficient to ensure a reasonable certainty of

1 no harm to the health of the general population, or
2 to any potentially exposed or susceptible subpopula-
3 tion.”.

4 (2) CLEAN AIR ACT.—

5 (A) DEFINITIONS.—Section 501 of the
6 Clean Air Act (42 U.S.C. 7661) is amended—

7 (i) in the matter preceding paragraph
8 (1), by striking “As used in this title—”
9 and inserting “In this title:”;

10 (ii) by redesignating paragraphs (2),
11 (3), and (4) as paragraphs (3), (5), and
12 (4), respectively, and moving the para-
13 graphs so as to appear in numerical order;
14 and

15 (iii) by inserting after paragraph (1)
16 the following:

17 “(2) CUMULATIVE IMPACTS.—The term ‘cumu-
18 lative impacts’ means any exposure, public health or
19 environmental risk, or other effect occurring in a
20 specific geographical area, including from an emis-
21 sion or release—

22 “(A) including—

23 “(i) environmental pollution re-
24 leased—

25 “(I) routinely;

1 “(II) accidentally; or

2 “(III) otherwise; and

3 “(ii) as assessed based on the com-
4 bined past, present, and reasonably fore-
5 seeable emissions and discharges affecting
6 the geographical area; and

7 “(B) evaluated taking into account sen-
8 sitive populations and socioeconomic factors,
9 where applicable.”.

10 (B) PERMIT PROGRAMS.—Section 502(b)
11 of the Clean Air Act (42 U.S.C. 7661a(b)) is
12 amended—

13 (i) in paragraph (5)—

14 (I) in subparagraphs (A) and
15 (C), by striking “assure” each place it
16 appears and inserting “ensure”; and

17 (II) by striking subparagraph (F)
18 and inserting the following:

19 “(F) ensure that no permit will be issued
20 to or renewed for a covered facility (as defined
21 in section 204(a) of the Protecting Commu-
22 nities from Plastics Act), as applicable, if—

23 “(i) with respect to an application for
24 a permit or renewal of a permit for a
25 major source that is a covered facility (as

1 defined in section 204(a) of the Protecting
2 Communities from Plastics Act), the per-
3 mitting authority determines under para-
4 graph (9)(C)(ii)(I)(bb)(BB) that the terms
5 and conditions of the permit or renewal
6 would not be sufficient to ensure a reason-
7 able certainty of no harm to the health of
8 the general population, or to any poten-
9 tially exposed or susceptible subpopulation,
10 of the applicable census tracts or Tribal
11 census tracts (as those terms are defined
12 by the Director of the Bureau of the Cen-
13 sus); or

14 “(ii) the Administrator objects to the
15 issuance of the permit in a timely manner
16 under this title.”; and

17 (ii) in paragraph (9)—

18 (I) in the fourth sentence, by
19 striking “Such permit revision” and
20 inserting the following:

21 “(iii) TREATMENT AS RENEWAL.—A
22 permit revision under this paragraph”;

23 (II) in the third sentence, by
24 striking “No such revision shall” and
25 inserting the following:

1 “(ii) EXCEPTION.—A revision under
2 this paragraph shall not”;

3 (III) in the second sentence, by
4 striking “Such revisions” and insert-
5 ing the following:

6 “(B) REVISION REQUIREMENTS.—

7 “(i) DEADLINE.—A revision described
8 in subparagraph (A) or (C)”;

9 (IV) by striking “(9) A require-
10 ment” and inserting the following:

11 “(9) MAJOR SOURCES.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (C), a requirement that”; and

14 (V) by adding at the end the fol-
15 lowing:

16 “(C) CERTAIN PLASTICS FACILITIES.—

17 “(i) DEFINITION OF COVERED FACIL-
18 ITY.—In this subparagraph, the term ‘cov-
19 ered facility’ has the meaning given the
20 term in section 204(a) of the Protecting
21 Communities from Plastics Act.

22 “(ii) ADDITIONAL REQUIREMENTS.—
23 With respect to any permit or renewal of
24 a permit, as applicable, for a major source
25 that is a covered facility, the permitting

1 authority, in determining whether to issue
2 or renew the permit, shall—

3 “(I) evaluate the potential cumu-
4 lative impacts of the proposed covered
5 facility, as described in the applicable
6 cumulative impacts analysis submitted
7 under section 503(b)(3);

8 “(II) if, due to those potential
9 cumulative impacts, the permitting
10 authority cannot determine that there
11 exists a reasonable certainty of no
12 harm to the health of the general pop-
13 ulation, or to any potentially exposed
14 or susceptible subpopulation, of any
15 census tracts or Tribal census tracts
16 (as those terms are defined by the Di-
17 rector of the Bureau of the Census)
18 located in, or immediately adjacent to,
19 the area in which the covered facility
20 is, or is proposed to be, located—

21 “(aa) include in the permit
22 or renewal such terms and condi-
23 tions (including additional con-
24 trols or pollution prevention re-
25 quirements) as the permitting

1 authority determines to be nec-
2 essary to ensure a reasonable cer-
3 tainty of no harm; or

4 “(bb) if the permitting au-
5 thority determines that terms
6 and conditions described in item
7 (aa) would not be sufficient to
8 ensure a reasonable certainty of
9 no harm, deny the issuance or re-
10 newal of the permit;

11 “(III) determine whether the ap-
12 plicant is a persistent violator, based
13 on such criteria relating to the history
14 of compliance by an applicant with
15 this Act as the Administrator shall es-
16 tablish by not later than 180 days
17 after the date of enactment of the
18 Protecting Communities from Plastics
19 Act;

20 “(IV) if the permitting authority
21 determines under subclause (III) that
22 the applicant is a persistent violator
23 and the permitting authority does not
24 deny the issuance or renewal of the

1 permit pursuant to subclause
2 (V)(bb)—

3 “(aa) require the applicant
4 to submit a redemption plan that
5 describes, if the applicant is not
6 in compliance with this Act,
7 measures the applicant will carry
8 out to achieve that compliance,
9 together with an approximate
10 deadline for that achievement,
11 measures the applicant will carry
12 out, or has carried out to ensure
13 the applicant will remain in com-
14 pliance with this Act, and to
15 mitigate the environmental and
16 health effects of noncompliance,
17 and the measures the applicant
18 has carried out in preparing the
19 redemption plan to consult or ne-
20 gotiate with the communities af-
21 fected by each persistent viola-
22 tion addressed in the plan; and

23 “(bb) once such a redemp-
24 tion plan is submitted, determine
25 whether the plan is adequate to

1 ensuring that the applicant will
2 achieve compliance with this Act
3 expeditiously, will remain in com-
4 pliance with this Act, will miti-
5 gate the environmental and
6 health effects of noncompliance,
7 and has solicited and responded
8 to community input regarding
9 the redemption plan; and

10 “(V) deny the issuance or re-
11 newal of the permit if the permitting
12 authority determines that—

13 “(aa) the redemption plan
14 submitted under subclause
15 (IV)(aa) is inadequate; or

16 “(bb)(AA) the applicant has
17 submitted a redemption plan on
18 a prior occasion, but continues to
19 be a persistent violator; and

20 “(BB) no indication of ex-
21 tremely exigent circumstances ex-
22 cusing the persistent violations
23 exists.”.

24 (C) PERMIT APPLICATIONS.—Section
25 503(b) of the Clean Air Act (42 U.S.C.

1 7661b(b)) is amended by adding at the end the
2 following:

3 “(3) ANALYSES FOR CERTAIN PLASTICS FACILI-
4 TIES.—The regulations required by section 502(b)
5 shall include a requirement that an applicant for a
6 permit or renewal of a permit for a major source
7 that is a covered facility (as defined in section
8 204(a) of the Protecting Communities from Plastics
9 Act) shall submit, together with the compliance plan
10 required under this subsection, a cumulative impacts
11 analysis for each census block tract or Tribal census
12 block tract (as those terms are defined by the Direc-
13 tor of the Bureau of the Census) located within 10
14 kilometers of, or immediately adjacent to, the area
15 in which the major source that is a covered source
16 (as so defined) is, or is proposed to be, located that
17 analyzes—

18 “(A) community demographics and loca-
19 tions of community exposure points, such as
20 residences, schools, daycare centers, nursing
21 homes, hospitals, health clinics, places of reli-
22 gious worship, parks, playgrounds, and commu-
23 nity centers;

24 “(B) air quality (including with respect to
25 hazardous air pollutants and criteria pollutants)

1 and the potential effect on that air quality of
2 emissions of air pollutants (including pollutants
3 listed under section 108 or 112) from the pro-
4 posed covered facility (as so defined), including
5 in combination with existing sources of pollut-
6 ants;

7 “(C) the potential effects on soil quality,
8 water quality, and fish and game of emissions
9 of air and water pollutants that could contami-
10 nate soil or water from the proposed major
11 source, including in combination with existing
12 sources of pollutants; and

13 “(D) public health and any potential ef-
14 fects on public health of the proposed covered
15 facility (as so defined).”.

16 (j) FINANCIAL ASSURANCE REQUIREMENTS FOR
17 COVERED FACILITIES.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, the Administrator
20 shall develop and require as a condition to receiving
21 a permit under the Clean Air Act (42 U.S.C. 7401
22 et seq.) or the Federal Water Pollution Control Act
23 (33 U.S.C. 1251 et seq.) financial assurance require-
24 ments for new covered facilities that demonstrate
25 the presence of sufficient financial resources—

1 (A) to safely close the covered facility at
2 the end of the operational life of the covered fa-
3 cility; or

4 (B) to provide appropriate emergency re-
5 sponse in the case of an accidental release.

6 (2) APPLICATION TO EXISTING COVERED FA-
7 CILITIES.—The financial assurance requirements
8 under paragraph (1) shall apply to existing covered
9 facilities at the time at which an existing covered fa-
10 cility seeks renewal of a permit under the Clean Air
11 Act (42 U.S.C. 7401 et seq.) or the Federal Water
12 Pollution Control Act (33 U.S.C. 1251 et seq.), as
13 applicable.

14 (k) SITING RESTRICTIONS FOR NEW COVERED FA-
15 CILITIES.—The issuance or approval of a permit under the
16 Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal
17 Water Pollution Control Act (33 U.S.C. 1251 et seq.) for
18 a new covered facility, or for the expansion of an existing
19 covered facility, shall be prohibited within 5 miles of a
20 community building or area, including a school, a resi-
21 dence, a daycare center, a nursing home, a hospital, a
22 health clinic, a place of religious worship, a park, a play-
23 ground, and a community center.

1 **SEC. 205. MICROPLASTICS RESEARCH AND DIRECTIVES.**

2 (a) DEFINITION OF MICROPLASTIC.—In this section,
3 the term “microplastic” means a plastic or plastic-coated
4 particle that is less than 5 millimeters in any dimension.

5 (b) NATIONAL RECYCLING STRATEGY LIMITATION.—
6 The Administrator shall not expand the scope of the Na-
7 tional Recycling Strategy of the Environmental Protection
8 Agency to include facilities that treat plastic waste
9 through the use of pyrolysis, gasification, or similar chem-
10 ical recycling technologies.

11 (c) FOOD AND DRUG ADMINISTRATION STUDY.—

12 (1) IN GENERAL.—The Commissioner of Food
13 and Drugs, in consultation with the Secretary of Ag-
14 riculture and the heads of other necessary Federal
15 departments and agencies, such as the Director of
16 the National Institute of Standards and Technology,
17 shall conduct a nationwide study on the presence
18 and sources of microplastics in food (including
19 drink) products, including food products containing
20 fish, meat, fruits, or vegetables.

21 (2) REPORT.—Not later than 1 year after the
22 date of enactment of this Act, the Commissioner of
23 Food and Drugs shall submit to Congress, and make
24 publicly available, a report describing the results of
25 the study under this subsection.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this subsection.

4 (d) MICROPLASTICS PILOT PROGRAM.—

5 (1) ESTABLISHMENT.—The Administrator shall
6 establish a pilot program (referred to in this sub-
7 section as the “pilot program”) to test the efficacy
8 and cost-effectiveness of tools, technologies, and
9 techniques—

10 (A) to remove microplastics from the envi-
11 ronment without causing additional harm to the
12 environment; and

13 (B) to prevent the release of microplastics
14 into the environment.

15 (2) REQUIREMENTS.—In carrying out the pilot
16 program, the Administrator shall include testing of,
17 and an analysis and mitigation of any environmental
18 impacts on—

19 (A) natural infrastructure;

20 (B) green infrastructure (as defined in sec-
21 tion 502 of the Federal Water Pollution Control
22 Act (33 U.S.C. 1362)); and

23 (C) mechanical removal systems (such as
24 pumps) and filtration technologies, including
25 consideration of potential negative ecological

1 impacts that may result from filtration in nat-
2 ural waterways and ocean waters.

3 (3) ELIGIBLE LOCATIONS.—The Administrator
4 may carry out under the pilot program projects lo-
5 cated in—

6 (A) stormwater systems;

7 (B) wastewater treatment facilities;

8 (C) drinking water systems;

9 (D) ports, harbors, inland waterways, estu-
10 aries, and marine environments; and

11 (E) roadways, highways, and other streets
12 used for vehicular travel.

13 (4) OUTREACH.—In determining selection cri-
14 teria and projects to carry out under the pilot pro-
15 gram, the Administrator shall conduct outreach to—

16 (A) the Interagency Marine Debris Coordi-
17 nating Committee established by section 5(a) of
18 the Marine Debris Act (33 U.S.C. 1954(a));
19 and

20 (B) stakeholders and experts in the appli-
21 cable field, as determined by the Administrator.

22 (5) REPORTS.—

23 (A) OUTREACH ACTIVITIES.—Not later
24 than 180 days after the date of enactment of
25 this Act, the Administrator shall submit to Con-

1 gress a report describing the outreach con-
2 ducted under paragraph (4).

3 (B) PROJECT EFFECTIVENESS.—Not later
4 than 3 years after the date on which the Ad-
5 ministrator establishes the pilot program, the
6 Administrator shall submit to Congress a report
7 describing the effectiveness of projects carried
8 out under the pilot program.

9 (6) RULEMAKING REQUIRED.—Not later than 1
10 year after the date on which the Administrator sub-
11 mits to Congress the report required under para-
12 graph (5)(B), the Administrator shall initiate a rule-
13 making to address abatement and mitigation of
14 microplastics in the locations described in paragraph
15 (3) using technologies and methods tested under the
16 pilot program.

17 (7) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated such sums
19 as are necessary to carry out this subsection.

20 (e) NATIONAL INSTITUTES OF HEALTH RE-
21 SEARCH.—

22 (1) IN GENERAL.—The Director of the National
23 Institutes of Health shall conduct or support re-
24 search on the presence of microplastics in the
25 human body, which may include determining how

1 the presence of microplastics in organs and biospeci-
2 mens, including urine, breastmilk, and stool, impacts
3 human health.

4 (2) REPORT.—Not later than 1 year after the
5 date of enactment of this Act, and annually for each
6 of the 4 years thereafter, the Director of the Na-
7 tional Institutes of Health shall submit to Congress,
8 and make publicly available, a report that provides
9 an overview of the research conducted or supported
10 under this subsection, together with any relevant
11 findings.

12 (3) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated such sums
14 as are necessary to carry out this subsection.

15 **SEC. 206. REDUCING SINGLE-USE PLASTICS IN AGRICULTURE.**
16 **CULTURE.**

17 (a) BIODEGRADABLE WEED BARRIERS PRACTICES
18 UNDER EQIP.—The Secretary of Agriculture shall des-
19 ignate a project to replace the use of on-farm plastic weed
20 barriers and weed mitigants with nonplastic, biodegrad-
21 able alternatives as an agricultural conservation practice
22 or enhancement that meets the requirement described in
23 section 21001(a)(1)(B)(iii) of Public Law 117–169 (136
24 Stat. 2016) (commonly known as the “Inflation Reduction
25 Act of 2022”).

1 (b) SINGLE-USE PLASTIC FARM PRODUCT PACK-
2 AGING REDUCTION GRANTS.—Section 210A of the Agri-
3 cultural Marketing Act of 1946 (7 U.S.C. 1627c) is
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (5), by striking “and” at
7 the end;

8 (B) by redesignating paragraph (6) as
9 paragraph (7); and

10 (C) by inserting after paragraph (5) the
11 following:

12 “(6) supports the reduction of single-use plas-
13 tics from the post-production distribution packaging
14 of agricultural producers; and”;

15 (2) by redesignating subsections (f) through (i)
16 as subsections (g) through (j), respectively;

17 (3) in paragraph (1) of subsection (i) (as so re-
18 designated), in the matter preceding subparagraph
19 (A), by striking “subsection (i)(3)(E)” and inserting
20 “subsection (j)(3)(E)”;

21 (4) by striking “subsection (i)” each place it
22 appears and inserting “subsection (j)”;

23 (5) by inserting after subsection (e) the fol-
24 lowing:

1 “(f) SINGLE-USE PLASTIC FARM PRODUCT PACK-
2 AGING REDUCTION GRANTS.—

3 “(1) IN GENERAL.—The Secretary, acting
4 through the Administrator of the Agricultural Mar-
5 keting Service and in coordination with the Adminis-
6 trator of the Rural Business-Cooperative Service,
7 shall provide grants to eligible entities described in
8 paragraph (2) to significantly reduce or eliminate
9 single-use plastics from the post-production distribu-
10 tion packaging of the entities.

11 “(2) ELIGIBLE ENTITIES.—An entity shall be
12 eligible for a grant under paragraph (1) if the entity
13 is—

14 “(A) an independent producer, as deter-
15 mined by the Secretary, of a value-added agri-
16 cultural product; or

17 “(B) an agricultural producer group, farm-
18 er or rancher cooperative, or majority-controlled
19 producer-based business venture, as determined
20 by the Secretary.

21 “(3) GRANT AMOUNT.—The amount of a grant
22 provided under paragraph (1) shall be not more than
23 \$250,000.

24 “(4) TERM.—The term of a grant provided
25 under paragraph (1) shall be 3 years.

1 “(5) PRIORITY.—In providing grants under
2 paragraph (1), the Secretary shall give priority to—

3 “(A) beginning farmers or ranchers;

4 “(B) veteran farmers or ranchers;

5 “(C) organic and regenerative farmers; and

6 “(D) socially disadvantaged farmers or
7 ranchers.

8 “(6) AUTHORIZATION OF APPROPRIATIONS.—

9 There is authorized to be appropriated to carry out
10 this subsection \$25,000,000 for each of fiscal years
11 2024 through 2032.”.

12 **TITLE III—PLASTIC PELLET-** 13 **FREE WATERS**

14 **SEC. 301. EFFLUENT LIMITATIONS FOR WASTEWATER,**
15 **SPILLS, AND RUNOFF FROM PLASTIC POLY-**
16 **MER PRODUCTION FACILITIES, PLASTIC**
17 **MOLDING AND FORMING FACILITIES, AND**
18 **OTHER POINT SOURCES ASSOCIATED WITH**
19 **THE TRANSPORT AND PACKAGING OF PLAS-**
20 **TIC PELLETS OR OTHER PREPRODUCTION**
21 **PLASTIC MATERIALS.**

22 Not later than 60 days after the date of enactment
23 of this Act, the Administrator of the Environmental Pro-
24 tection Agency (referred to in this section as the “Admin-
25 istrator”) shall promulgate a final rule to ensure that—

1 (1) the discharge of plastic pellets or other
2 preproduction plastic materials (including discharge
3 into wastewater and other runoff) from facilities reg-
4 ulated under part 414 or 463 of title 40, Code of
5 Federal Regulations (as in effect on the date of en-
6 actment of this Act), is prohibited;

7 (2) the discharge of plastic pellets or other
8 preproduction plastic materials (including discharge
9 into wastewater and other runoff) from a point
10 source (as defined in section 502 of the Federal
11 Water Pollution Control Act (33 U.S.C. 1362)) that
12 makes, uses, packages, or transports those plastic
13 pellets and other preproduction plastic materials is
14 prohibited; and

15 (3) the requirements under paragraphs (1) and
16 (2) are reflected in—

17 (A) all wastewater, stormwater, and other
18 permits issued by the Administrator and State-
19 delegated programs under section 402 of the
20 Federal Water Pollution Control Act (33 U.S.C.
21 1342) to facilities and other point sources (as
22 defined in section 502 of that Act (33 U.S.C.
23 1362)) that make, use, package, or transport
24 plastic pellets or other preproduction plastic
25 materials, as determined by the Administrator,

1 in addition to other applicable limits and stand-
2 ards; and

3 (B) all standards of performance promul-
4 gated under section 312(p) of the Federal
5 Water Pollution Control Act (33 U.S.C.
6 1322(p)) that are applicable to point sources
7 (as defined in section 502 of that Act (33
8 U.S.C. 1362)) that make, use, package, or
9 transport plastic pellets or other preproduction
10 plastic materials, as determined by the Admin-
11 istrator.

○