

Calendar No. 358117TH CONGRESS
2^D SESSION**S. 3743**

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2022

Mr. CARPER (for himself, Mr. BOOZMAN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Mr. GRASSLEY, Mr. KING, Mr. MERKLEY, Mr. WHITEHOUSE, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 28, 2022

Reported by Mr. CARPER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, 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.**

2 This Act may be cited as the “Recycling and
3 Composting Accountability Act”.

4 **SEC. 2. DEFINITIONS.**

5 (a) IN GENERAL.—In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

9 (2) CIRCULAR MARKET.—The term “circular
10 market” means a market that utilizes industrial
11 processes and economic activities to enable post-in-
12 dustrial and post-consumer materials used in those
13 processes and activities to maintain their highest
14 values for as long as possible.

15 (3) COMPOST.—The term “compost” means a
16 product that—

17 (A) is manufactured through the controlled
18 aerobic, biological decomposition of biodegrad-
19 able materials;

20 (B) has been subjected to medium and
21 high temperature organisms, which—

22 (i) significantly reduce the viability of
23 pathogens and weed seeds; and

24 (ii) stabilize carbon in the product
25 such that the product is beneficial to plant
26 growth; and

1 (C) is typically used as a soil amendment,
2 but may also contribute plant nutrients.

3 (4) COMPOSTABLE MATERIAL.—The term
4 “compostable material” means material that is a
5 feedstock for creating compost, including—

6 (A) wood;

7 (B) agricultural crops;

8 (C) paper;

9 (D) certified compostable products associ-
10 ated with organic waste;

11 (E) other organic plant material;

12 (F) marine products;

13 (G) organic waste, including food waste
14 and yard waste; and

15 (H) such other material that is composed
16 of biomass that can be continually replenished
17 or renewed, as determined by the Adminis-
18 trator.

19 (5) COMPOSTING FACILITY.—The term
20 “composting facility” means a location, structure, or
21 device that transforms compostable materials into
22 compost.

23 (6) INDIAN TRIBE.—The term “Indian Tribe”
24 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (7) MATERIALS RECOVERY FACILITY.—

4 (A) IN GENERAL.—The term “materials
5 recovery facility” means a dedicated recycling
6 facility where primarily residential recyclables,
7 which are diverted from disposal by the gener-
8 ator and collected separately from municipal
9 solid waste, are mechanically or manually sort-
10 ed into commodities for further processing into
11 specification-grade commodities for sale to end
12 users.

13 (B) EXCLUSION.—The term “materials re-
14 covery facility” does not include a solid waste
15 management facility that may process munic-
16 ipal solid waste to remove recyclable materials.

17 (8) RECYCLABLE MATERIAL.—The term “recy-
18 clable material” means a material that is obsolete,
19 previously used, off-specification, surplus, or inciden-
20 tally produced for processing into a specification-
21 grade commodity for which a circular market cur-
22 rently exists or is being developed.

23 (9) RECYCLING.—The term “recycling” means
24 the series of activities—

1 (A) during which recyclable materials are
 2 processed into specification-grade commodities,
 3 and consumed as raw-material feedstock, in lieu
 4 of virgin materials, in the manufacturing of new
 5 products;

6 (B) that may include sorting, collection,
 7 processing, and brokering; and

8 (C) that result in subsequent consumption
 9 by a materials manufacturer, including for the
 10 manufacturing of new products.

11 (10) STATE.—The term “State” has the mean-
 12 ing given the term in section 1004 of the Solid
 13 Waste Disposal Act (42 U.S.C. 6903).

14 (b) DEFINITION OF PROCESSING.—In paragraphs
 15 (7), (8), and (9) of subsection (a), the term “processing”
 16 means any mechanical, manual, or other method that—

17 (1) transforms a recyclable material into a spec-
 18 ification-grade commodity; and

19 (2) may occur in multiple steps, with different
 20 steps, including sorting, occurring at different loca-
 21 tions.

22 **SEC. 3. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

1 (1) recycling conserves resources, protects the
2 environment, and is important to the United States
3 economy;

4 (2) the United States recycling infrastructure
5 encompasses each of the entities that collect, proe-
6 ess, broker, and consume recyclable materials
7 sourced from commercial, industrial, and residential
8 sources;

9 (3) the residential segment of the United States
10 recycling infrastructure is facing challenges from—

11 (A) confusion over what materials are recy-
12 elable materials;

13 (B) reduced export markets;

14 (C) growing, but still limited, domestic end
15 markets;

16 (D) an ever-changing and heterogeneous
17 supply stream; and

18 (E) in some areas, a recycling infrastruc-
19 ture in need of revitalization; and

20 (4) in an effort to address those challenges, the
21 United States must use a combination of tactics to
22 improve recycling and composting in the United
23 States.

1 **SEC. 4. REPORT ON COMPOSTING INFRASTRUCTURE CAPA-**
2 **BILITIES.**

3 The Administrator, in consultation with States, units
4 of local government, and Indian Tribes, shall—

5 (1) prepare a report describing the capability of
6 the United States to implement a national residen-
7 tial composting strategy for compostable materials
8 for the purposes of reducing contamination rates for
9 residential recycling, including—

10 (A) an evaluation of existing Federal,
11 State, and local laws that may present barriers
12 to implementation of a national residential
13 composting strategy;

14 (B)(i) an evaluation of existing composting
15 programs of States, units of local government,
16 and Indian Tribes; and

17 (ii) a description of best practices based on
18 those programs;

19 (C) an evaluation of existing composting
20 infrastructure in States, units of local govern-
21 ment, and Indian Tribes for the purposes of es-
22 timating cost and approximate land needed to
23 expand composting programs; and

24 (D) a study of the practices of manufac-
25 turers and companies that are moving to using
26 compostable packaging and food service ware

1 for the purpose of making the composting pro-
2 cess the end-of-life use of those products; and
3 ~~(2) not later than 1 year after the date of en-~~
4 ~~actment of this Act, submit the report prepared~~
5 ~~under paragraph (1) to Congress.~~

6 **SEC. 5. REPORT ON FEDERAL AGENCY RECYCLING PRAC-**
7 **TICES.**

8 Not later than 1 year after the date of enactment
9 of this Act, and annually thereafter, the Comptroller Gen-
10 eral of the United States, in consultation with the Admin-
11 istrator, shall make publicly available a report describ-
12 ing—

13 (1) the total annual recycling and composting
14 rates reported by all Federal agencies;

15 (2) the total annual percentage of products con-
16 taining recyclable material, compostable material, or
17 recovered materials purchased by all Federal agen-
18 cies, including—

19 (A) the total quantity of procured products
20 containing recyclable material or recovered ma-
21 terials listed in the comprehensive procurement
22 guidelines published under section 6002(e) of
23 the Solid Waste Disposal Act (42 U.S.C.
24 6962(e)); and

1 ~~(B)~~ the total quantity of compostable ma-
2 terial purchased;

3 ~~(3)~~ recommendations for updating—

4 (A) the comprehensive procurement guide-
5 lines published under section 6002(e) of the
6 Solid Waste Disposal Act (42 U.S.C. 6962(e));
7 and

8 (B) the environmentally preferable pur-
9 chasing program established under section
10 6604(b)(11) of the Pollution Prevention Act of
11 1990 (42 U.S.C. 13103(b)(11)); and

12 (4) the activities of each Federal agency that
13 promote recycling or composting.

14 **SEC. 6. IMPROVING DATA AND REPORTING.**

15 ~~(a) INVENTORY OF MATERIALS RECOVERY FACILI-~~
16 ~~TIES.—~~Not later than 1 year after the date of enactment
17 of this Act, and biannually thereafter, the Administrator,
18 in consultation with States, units of local government, and
19 Indian Tribes, shall—

20 ~~(1)~~ prepare an inventory of public and private
21 materials recovery facilities in the United States, in-
22 cluding—

23 (A) the number of materials recovery fa-
24 cilities in each unit of local government in each
25 State; and

1 (B) a description of the materials that
2 each materials recovery facility can process, in-
3 cluding—

4 (i) in the case of plastic, a description
5 of—

6 (I) the types of accepted resin, if
7 applicable; and

8 (II) the container type, such as a
9 jug, a carton, or film;

10 (ii) food packaging and service ware,
11 such as a bottle, cutlery, or a cup;

12 (iii) paper;

13 (iv) aluminum, such as an aluminum
14 beverage can, food can, aerosol can, or foil;

15 (v) steel, such as a steel food or aer-
16 osol can;

17 (vi) other scrap metal;

18 (vii) glass; or

19 (viii) any other material not described
20 in any of clauses (i) through (vii) that a
21 materials recovery facility can process; and

22 (2) submit the inventory prepared under para-
23 graph (1) to Congress.

24 (b) ESTABLISHMENT OF A COMPREHENSIVE BASE-
25 LINE OF DATA FOR THE UNITED STATES RECYCLING

1 SYSTEM.—The Administrator, in consultation with States,
 2 units of local government, and Indian Tribes, shall deter-
 3 mine, with respect to the United States—

4 (1) the number of community curbside recycling
 5 and composting programs;

6 (2) the number of community drop-off recycling
 7 and composting programs;

8 (3) the types and forms of materials accepted
 9 by each community curbside recycling, drop-off recy-
 10 cing, or composting program;

11 (4) the number of individuals with access to re-
 12 cycling and composting services to at least the ex-
 13 tent of access to disposal services;

14 (5) the number of individuals with barriers to
 15 accessing recycling and composting services to at
 16 least the extent of access to disposal services;

17 (6) the inbound contamination and capture
 18 rates of community curbside recycling, drop-off recy-
 19 cing, or composting programs; and

20 (7) where applicable, other available recycling
 21 or composting programs within a community, includ-
 22 ing store drop-offs.

23 (c) STANDARDIZATION OF RECYCLING REPORTING
 24 RATES.—

25 (1) COLLECTION OF RATES.—

1 (A) IN GENERAL.—The Administrator may
 2 use amounts made available under section 9 to
 3 biannually collect from each State the nation-
 4 ally standardized rate of recyclable materials in
 5 that State that have been successfully diverted
 6 from the waste stream and brought to a mate-
 7 rials recovery facility or composting facility.

8 (B) CONFIDENTIAL OR PROPRIETARY
 9 BUSINESS INFORMATION.—Information col-
 10 lected under subparagraph (A) shall not include
 11 any confidential or proprietary business infor-
 12 mation, as determined by the Administrator.

13 (2) USE.—Using amounts made available under
 14 section 9, the Administrator may use the rates col-
 15 lected under paragraph (1) to further assist States,
 16 units of local government, and Indian Tribes—

17 (A) to reduce the overall waste produced
 18 by the States and units of local government;
 19 and

20 (B) to increase recycling and composting
 21 rates.

22 (d) REPORT ON END MARKETS.—

23 (1) IN GENERAL.—The Administrator, in con-
 24 sultation with States, units of local government, and
 25 Indian Tribes, shall—

1 (A) provide an update to the report sub-
2 mitted under section 306 of the Save Our Seas
3 2.0 Act (~~Public Law 116-224; 134 Stat. 1096~~)
4 to include an addendum on the end-market sale
5 of all recyclable materials, in addition to recy-
6 cled plastics as described in that section, from
7 materials recovery facilities that process recy-
8 clable materials collected from households and
9 publicly available recyclable materials drop-off
10 centers, including—

11 (i) the total, in dollars per ton, domes-
12 tic sales of bales of recyclable materials;
13 and

14 (ii) the total, in dollars per ton, inter-
15 national sales of bales of recyclable mate-
16 rials;

17 (B) prepare a report on the end-market
18 sale of compost from all compostable materials
19 collected from households and publicly available
20 compost drop-off centers, including the total, in
21 dollars per ton, of domestic sales of
22 compostable materials; and

23 (C) not later than 1 year after the date of
24 enactment of this Act, submit to Congress the
25 update to the report prepared under subpara-

1 graph (A) and the report prepared under sub-
 2 paragraph (B).

3 ~~(2) CONFIDENTIAL OR PROPRIETARY BUSINESS~~
 4 ~~INFORMATION.~~—Information collected under sub-
 5 paragraphs (A) and (B) of paragraph (1) shall not
 6 include any confidential or proprietary business in-
 7 formation, as determined by the Administrator.

8 **SEC. 7. STUDY ON THE DIVERSION OF RECYCLABLE MATE-**
 9 **RIALS FROM A CIRCULAR MARKET.**

10 (a) ~~IN GENERAL.~~—Not later than 1 year after the
 11 date of enactment of this Act, the Administrator shall de-
 12 velop a metric for determining the proportion of recyclable
 13 materials in commercial and municipal waste streams that
 14 are being diverted from a circular market.

15 (b) ~~STUDY; REPORT.~~—Not later than 1 year after the
 16 development of a metric under subsection (a), the Admin-
 17 istrator shall conduct a study of, and submit to Congress
 18 a report on, the proportion of recyclable materials in com-
 19 mercial and municipal waste streams that, during each of
 20 the 10 calendar years preceding the year of submission
 21 of the report, were diverted from a circular market.

22 (c) ~~DATA.~~—The report under subsection (b) shall
 23 provide data on specific recyclable materials, including
 24 aluminum, plastics, paper and paperboard, textiles, and
 25 glass, that were prevented from remaining in a circular

1 market through disposal or elimination, and to what use
2 those specific recyclable materials were lost.

3 (d) EVALUATION.—The report under subsection (b)
4 shall include an evaluation of whether the establishment
5 or improvement of recycling programs would—

6 (1) improve recycling rates; or

7 (2) reduce the quantity of recyclable materials
8 being unutilized in a circular market.

9 **SEC. 8. VOLUNTARY GUIDELINES.**

10 The Administrator shall—

11 (1) in consultation with States, units of local
12 government, and Indian Tribes, develop, based on
13 the results of the studies, reports, inventory, and
14 data determined under sections 4 through 7, and
15 provide to States, units of local government, and In-
16 dian Tribes best practices that the States, units of
17 local government, and Indian Tribes may use to en-
18 hance recycling and composting, including—

19 (A) labeling techniques for containers of
20 waste, compost, and recycling, with the goal of
21 creating consistent, readily available, and un-
22 derstandable labeling across jurisdictions;

23 (B) pamphlets or other literature readily
24 available to constituents;

1 (C) primary and secondary school edu-
2 cational resources on recycling;

3 (D) web and media-based campaigns; and

4 (E) guidance for the labeling of recyclable
5 materials and compostable materials that mini-
6 mizes contamination and diversion of those ma-
7 terials from waste streams toward recycling and
8 composting systems; and

9 (2) not later than 2 years after the date of en-
10 actment of this Act, submit to Congress a report de-
11 scribing the best practices developed under para-
12 graph (1).

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Ad-
15 ministratoꝛ such sums as are necessary to carry out this
16 Act for each fiscal year.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Recycling and*
19 *Composting Accountability Act”.*

20 **SEC. 2. DEFINITIONS.**

21 (a) *IN GENERAL.*—*In this Act:*

22 (1) *ADMINISTRATOR.*—*The term “Adminis-*
23 *trator” means the Administrator of the Environ-*
24 *mental Protection Agency.*

1 (2) *CIRCULAR MARKET*.—The term “circular
2 market” means a market that utilizes industrial proc-
3 esses and economic activities to enable post-industrial
4 and post-consumer materials used in those processes
5 and activities to maintain their highest values for as
6 long as possible.

7 (3) *COMPOST*.—The term “compost” means a
8 product that—

9 (A) is manufactured through the controlled
10 aerobic, biological decomposition of biodegradable
11 materials;

12 (B) has been subjected to medium and high
13 temperature organisms, which—

14 (i) significantly reduce the viability of
15 pathogens and weed seeds; and

16 (ii) stabilize carbon in the product
17 such that the product is beneficial to plant
18 growth; and

19 (C) is typically used as a soil amendment,
20 but may also contribute plant nutrients.

21 (4) *COMPOSTABLE MATERIAL*.—The term
22 “compostable material” means material that is a
23 feedstock for creating compost, including—

24 (A) wood;

25 (B) agricultural crops;

1 (C) paper;

2 (D) certified compostable products associ-
3 ated with organic waste;

4 (E) other organic plant material;

5 (F) marine products;

6 (G) organic waste, including food waste and
7 yard waste; and

8 (H) such other material that is composed of
9 biomass that can be continually replenished or
10 renewed, as determined by the Administrator.

11 (5) COMPOSTING FACILITY.—The term
12 “composting facility” means a location, structure, or
13 device that transforms compostable materials into
14 compost.

15 (6) INDIAN TRIBE.—The term “Indian Tribe”
16 has the meaning given the term in section 4 of the In-
17 dian Self-Determination and Education Assistance
18 Act (25 U.S.C. 5304).

19 (7) MATERIALS RECOVERY FACILITY.—

20 (A) IN GENERAL.—The term “materials re-
21 covery facility” means a dedicated facility where
22 primarily residential recyclable materials, which
23 are diverted from disposal by the generator and
24 collected separately from municipal solid waste,
25 are mechanically or manually sorted into com-

1 *modities for further processing into specification-*
2 *grade commodities for sale to end users.*

3 (B) *EXCLUSION.*—*The term “materials re-*
4 *covery facility” does not include a solid waste*
5 *management facility that may process municipal*
6 *solid waste to remove recyclable materials.*

7 (8) *RECYCLABLE MATERIAL.*—*The term “recycla-*
8 *ble material” means a material that is obsolete, pre-*
9 *viously used, off-specification, surplus, or incidentally*
10 *produced for processing into a specification-grade*
11 *commodity for which a circular market currently ex-*
12 *ists or is being developed.*

13 (9) *RECYCLING.*—*The term “recycling” means*
14 *the series of activities—*

15 (A) *during which recyclable materials are*
16 *processed into specification-grade commodities,*
17 *and consumed as raw-material feedstock, in lieu*
18 *of virgin materials, in the manufacturing of new*
19 *products;*

20 (B) *that may include sorting, collection,*
21 *processing, and brokering; and*

22 (C) *that result in subsequent consumption*
23 *by a materials manufacturer, including for the*
24 *manufacturing of new products.*

1 (10) *STATE*.—The term “State” has the meaning
2 given the term in section 1004 of the Solid Waste Dis-
3 posal Act (42 U.S.C. 6903).

4 (b) *DEFINITION OF PROCESSING*.—In paragraphs (7),
5 (8), and (9) of subsection (a), the term “processing” means
6 any mechanical, manual, or other method that—

7 (1) transforms a recyclable material into a speci-
8 fication-grade commodity; and

9 (2) may occur in multiple steps, with different
10 steps, including sorting, occurring at different loca-
11 tions.

12 **SEC. 3. SENSE OF CONGRESS.**

13 It is the sense of Congress that—

14 (1) recycling and composting conserve resources,
15 protect the environment, and are important to the
16 United States economy;

17 (2) the United States recycling and composting
18 infrastructure encompass each of the entities that col-
19 lect, process, broker, and consume recyclable materials
20 and compostable materials sourced from commercial,
21 industrial, institutional, and residential sources;

22 (3) the residential segment of the United States
23 recycling and composting infrastructure is facing
24 challenges from—

1 (A) confusion over what materials are recy-
2 clable materials or compostable materials;

3 (B) reduced export markets;

4 (C) growing, but still limited, domestic end
5 markets; and

6 (D) an ever-changing and heterogeneous
7 supply stream;

8 (4) in some areas, recycling and composting in-
9 frastructure is in need of revitalization; and

10 (5) in an effort to address those challenges, the
11 United States must use a combination of tactics to
12 improve recycling and composting in the United
13 States.

14 **SEC. 4. REPORT ON COMPOSTING INFRASTRUCTURE CAPA-**
15 **BILITIES.**

16 The Administrator, in consultation with States, units
17 of local government, and Indian Tribes, shall—

18 (1) prepare a report describing the capability of
19 the United States to implement a national
20 composting strategy for compostable materials for the
21 purposes of reducing contamination rates for recy-
22 cling, including—

23 (A) an evaluation of existing Federal, State,
24 and local laws that may present barriers to im-
25 plementation of a national composting strategy;

1 (B)(i) an evaluation of existing composting
2 programs of States, units of local government,
3 and Indian Tribes; and

4 (ii) a description of best practices based on
5 those programs;

6 (C) an evaluation of existing composting in-
7 frastructure in States, units of local government,
8 and Indian Tribes for the purposes of estimating
9 cost and approximate land needed to expand
10 composting programs; and

11 (D) a study of the practices of manufactur-
12 ers and companies that are moving to using
13 compostable packaging and food service ware for
14 the purpose of making the composting process the
15 end-of-life use of those products; and

16 (2) not later than 1 year after the date of enact-
17 ment of this Act, submit the report prepared under
18 paragraph (1) to Congress.

19 **SEC. 5. REPORT ON FEDERAL AGENCY RECYCLING PRAC-**
20 **TICES.**

21 Not later than 1 year after the date of enactment of
22 this Act, and annually thereafter, the Comptroller General
23 of the United States, in consultation with the Adminis-
24 trator, shall make publicly available a report describing—

1 (1) *the total annual recycling and composting*
2 *rates reported by all Federal agencies;*

3 (2) *the total annual percentage of products con-*
4 *taining recyclable material, compostable material, or*
5 *recovered materials purchased by all Federal agencies,*
6 *including—*

7 (A) *the total quantity of procured products*
8 *containing recyclable material or recovered ma-*
9 *terials listed in the comprehensive procurement*
10 *guidelines published under section 6002(e) of the*
11 *Solid Waste Disposal Act (42 U.S.C. 6962(e));*
12 *and*

13 (B) *the total quantity of compostable mate-*
14 *rial purchased;*

15 (3) *recommendations for updating—*

16 (A) *the comprehensive procurement guide-*
17 *lines published under section 6002(e) of the Solid*
18 *Waste Disposal Act (42 U.S.C. 6962(e)); and*

19 (B) *the environmentally preferable pur-*
20 *chasing program established under section*
21 *6604(b)(11) of the Pollution Prevention Act of*
22 *1990 (42 U.S.C. 13103(b)(11)); and*

23 (4) *the activities of each Federal agency that*
24 *promote recycling or composting.*

1 **SEC. 6. IMPROVING DATA AND REPORTING.**

2 (a) *INVENTORY OF MATERIALS RECOVERY FACILI-*
3 *TIES.—Not later than 1 year after the date of enactment*
4 *of this Act, and biannually thereafter, the Administrator,*
5 *in consultation with States, units of local government, and*
6 *Indian Tribes, shall—*

7 (1) *prepare an inventory of public and private*
8 *materials recovery facilities in the United States, in-*
9 *cluding—*

10 (A) *the number of materials recovery facili-*
11 *ties in each unit of local government in each*
12 *State; and*

13 (B) *a description of the materials that each*
14 *materials recovery facility can process, includ-*
15 *ing—*

16 (i) *in the case of plastic, a description*
17 *of—*

18 (I) *the types of accepted resin, if*
19 *applicable; and*

20 (II) *the packaging or product for-*
21 *mat, such as a jug, a carton, or film;*

22 (ii) *food packaging and service ware,*
23 *such as a bottle, cutlery, or a cup;*

24 (iii) *paper;*

25 (iv) *aluminum, such as an aluminum*
26 *beverage can, food can, aerosol can, or foil;*

1 (v) steel, such as a steel food or aerosol
2 can;

3 (vi) other scrap metal;

4 (vii) glass; or

5 (viii) any other material not described
6 in any of clauses (i) through (vii) that a
7 materials recovery facility can process; and

8 (2) submit the inventory prepared under para-
9 graph (1) to Congress.

10 (b) *ESTABLISHMENT OF A COMPREHENSIVE BASELINE*
11 *OF DATA FOR THE UNITED STATES RECYCLING SYSTEM.—*
12 *The Administrator, in consultation with States, units of*
13 *local government, and Indian Tribes, shall determine, with*
14 *respect to the United States—*

15 (1) *the number of community curbside recycling*
16 *and composting programs;*

17 (2) *the number of community drop-off recycling*
18 *and composting programs;*

19 (3) *the types and forms of materials accepted by*
20 *each community curbside recycling, drop-off recy-*
21 *cling, or composting program;*

22 (4) *the number of individuals with access to re-*
23 *cycling and composting services to at least the extent*
24 *of access to disposal services;*

1 (5) *the number of individuals with barriers to*
 2 *accessing recycling and composting services to at least*
 3 *the extent of access to disposal services;*

4 (6) *the inbound contamination and capture rates*
 5 *of community curbside recycling, drop-off recycling,*
 6 *or composting programs;*

7 (7) *where applicable, other available recycling or*
 8 *composting programs within a community, including*
 9 *store drop-offs; and*

10 (8) *the average cost to States, units of local gov-*
 11 *ernment, and Indian Tribes of recycling and*
 12 *composting programs.*

13 (c) *STANDARDIZATION OF RECYCLING REPORTING*

14 *RATES.—*

15 (1) *COLLECTION OF RATES.—*

16 (A) *IN GENERAL.—The Administrator may*
 17 *use amounts made available under section 9 to*
 18 *biannually collect from each State the nationally*
 19 *standardized rate of recyclable materials in that*
 20 *State that have been successfully diverted from*
 21 *the waste stream and brought to a materials re-*
 22 *covery facility or composting facility.*

23 (B) *CONFIDENTIAL OR PROPRIETARY BUSI-*
 24 *NESS INFORMATION.—Information collected*
 25 *under subparagraph (A) shall not include any*

1 *confidential or proprietary business information,*
2 *as determined by the Administrator.*

3 (2) *USE.—Using amounts made available under*
4 *section 9, the Administrator may use the rates col-*
5 *lected under paragraph (1) to further assist States,*
6 *units of local government, and Indian Tribes—*

7 (A) *to reduce the overall waste produced by*
8 *the States and units of local government; and*

9 (B) *to increase recycling and composting*
10 *rates.*

11 (d) *REPORT ON END MARKETS.—*

12 (1) *IN GENERAL.—The Administrator, in con-*
13 *sultation with States, units of local government, and*
14 *Indian Tribes, shall—*

15 (A) *provide an update to the report sub-*
16 *mitted under section 306 of the Save Our Seas*
17 *2.0 Act (Public Law 116–224; 134 Stat. 1096) to*
18 *include an addendum on the end-market sale of*
19 *all recyclable materials, in addition to recycled*
20 *plastics as described in that section, from mate-*
21 *rials recovery facilities that process recyclable*
22 *materials collected from households and publicly*
23 *available recyclable materials drop-off centers,*
24 *including—*

1 (i) the total, in dollars per ton, domes-
2 tic sales of bales of recyclable materials; and

3 (ii) the total, in dollars per ton, inter-
4 national sales of bales of recyclable mate-
5 rials;

6 (B) prepare a report on the end-market sale
7 of compost from all compostable materials col-
8 lected from households and publicly available
9 compost drop-off centers, including the total, in
10 dollars per ton, of domestic sales of compostable
11 materials; and

12 (C) not later than 1 year after the date of
13 enactment of this Act, submit to Congress the up-
14 date to the report prepared under subparagraph
15 (A) and the report prepared under subparagraph
16 (B).

17 (2) *CONFIDENTIAL OR PROPRIETARY BUSINESS*
18 *INFORMATION.*—Information collected under subpara-
19 graphs (A) and (B) of paragraph (1) shall not in-
20 clude any confidential or proprietary business infor-
21 mation, as determined by the Administrator.

22 **SEC. 7. STUDY ON THE DIVERSION OF RECYCLABLE MATE-**
23 **RIALS FROM A CIRCULAR MARKET.**

24 (a) *IN GENERAL.*—Not later than 1 year after the date
25 of enactment of this Act, the Administrator shall develop

1 *a metric for determining the proportion of recyclable mate-*
 2 *rials in commercial and municipal waste streams that are*
 3 *being diverted from a circular market.*

4 *(b) STUDY; REPORT.—Not later than 1 year after the*
 5 *development of a metric under subsection (a), the Adminis-*
 6 *trator shall conduct a study of, and submit to Congress a*
 7 *report on, the proportion of recyclable materials in commer-*
 8 *cial and municipal waste streams that, during each of the*
 9 *10 calendar years preceding the year of submission of the*
 10 *report, were diverted from a circular market.*

11 *(c) DATA.—The report under subsection (b) shall pro-*
 12 *vide data on specific recyclable materials, including alu-*
 13 *minum, plastics, paper and paperboard, textiles, and glass,*
 14 *that were prevented from remaining in a circular market*
 15 *through disposal or elimination, and to what use those spe-*
 16 *cific recyclable materials were lost.*

17 *(d) EVALUATION.—The report under subsection (b)*
 18 *shall include an evaluation of whether the establishment or*
 19 *improvement of recycling programs would—*

20 *(1) improve recycling rates; or*

21 *(2) reduce the quantity of recyclable materials*
 22 *being unutilized in a circular market.*

23 **SEC. 8. VOLUNTARY GUIDELINES.**

24 *The Administrator shall—*

1 (1) *in consultation with States, units of local*
2 *government, and Indian Tribes, develop, based on the*
3 *results of the studies, reports, inventory, and data de-*
4 *termined under sections 4 through 7, and provide to*
5 *States, units of local government, and Indian Tribes*
6 *best practices that the States, units of local govern-*
7 *ment, and Indian Tribes may use to enhance recy-*
8 *cling and composting, including—*

9 (A) *labeling techniques for containers of*
10 *waste, compostable materials, and recycling,*
11 *with the goal of creating consistent, readily*
12 *available, and understandable labeling across ju-*
13 *risdictions;*

14 (B) *pamphlets or other literature readily*
15 *available to constituents;*

16 (C) *primary and secondary school edu-*
17 *cational resources on recycling;*

18 (D) *web and media-based campaigns; and*

19 (E) *guidance for the labeling of recyclable*
20 *materials and compostable materials that mini-*
21 *mizes contamination and diversion of those ma-*
22 *terials from waste streams toward recycling and*
23 *composting systems; and*

1 (2) *not later than 2 years after the date of enact-*
2 *ment of this Act, submit to Congress a report describ-*
3 *ing the best practices developed under paragraph (1).*

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to the Admin-*
6 *istrator such sums as are necessary to carry out this Act*
7 *for each fiscal year.*

Calendar No. 358

117TH CONGRESS
2^D SESSION
S. 3743

A BILL

To require the Administrator of the Environmental Protection Agency to carry out certain activities to improve recycling and composting programs in the United States, and for other purposes.

APRIL 28, 2022

Reported with an amendment