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S. 4194

To require the Administrator of the Environmental Protection Agency to carry out certain activities to protect communities from the harmful effects of plastics, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 18, 2024

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

A BILL

To require the Administrator of the Environmental Protection Agency to carry out certain activities to protect communities from the harmful effects of plastics, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Commu-
5 nities from Plastics Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) plastics production is exacerbating the cli-
2 mate crisis and driving environmental injustice in
3 vulnerable communities located near petrochemical
4 facilities;

5 (2) plastics production is on track to double in
6 the decade beginning on the date of enactment of
7 this Act, locking in harmful emissions for decades;

8 (3) plastics and other petrochemicals are fore-
9 casted to become the largest driver of oil and hy-
10 draulically fractured gas demand by 2050;

11 (4) some studies have projected that the plas-
12 tics industry will emit more greenhouse gas emis-
13 sions than coal plants in the United States by 2030;

14 (5) petrochemical facilities that produce plastics
15 are more likely to be located in low-income commu-
16 nities and communities of color, disproportionately
17 exposing those communities to harmful pollutants;

18 (6) plastics production and certain disposal fa-
19 cilities pollute surrounding communities with chemi-
20 cals that are known to cause cancer, birth defects,
21 and other serious illnesses;

22 (7) transitioning from the use of fossil fuels for
23 power generation and transportation only to replace
24 that demand with more fossil fuel-based plastics pro-
25 duction—

1 (A) is not a viable strategy; and

2 (B) fails to protect communities;

3 (8) plastics carry impacts throughout the
4 lifecycle, including the impacts of—

5 (A) oil and gas extraction;

6 (B) plastics refining, manufacturing, and
7 certain methods of disposal; and

8 (C) resulting plastics pollution in commu-
9 nities and the environment, where the degrad-
10 ing plastics—

11 (i) leach chemical additives; and

12 (ii) emit greenhouse gases;

13 (9) addressing the plastics crisis requires a shift
14 away from single-use plastics in nonessential set-
15 tings;

16 (10) technologies that convert plastics to fuel,
17 use plastics for energy generation, generate feed-
18 stocks for the chemical industry, or produce haz-
19 ardous waste and toxic air pollution are not a sus-
20 tainable solution to the plastics crisis; and

21 (11) the projected impacts of climate change,
22 including rising sea levels, heat, and extreme weath-
23 er, pose physical risks to facilities involved in plas-
24 tics production and disposal, which can increase the

1 risk of accidents, additional emissions, and other
2 negative impacts on surrounding communities.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

8 (2) BEVERAGE.—

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

- 12 (i) water;
- 13 (ii) flavored water;
- 14 (iii) soda water;
- 15 (iv) mineral water;
- 16 (v) beer;
- 17 (vi) a malt beverage;
- 18 (vii) a carbonated soft drink;
- 19 (viii) liquor;
- 20 (ix) tea;
- 21 (x) coffee;
- 22 (xi) hard cider;
- 23 (xii) fruit juice;
- 24 (xiii) an energy or sports drink;
- 25 (xiv) coconut water;

- 1 (xv) wine;
- 2 (xvi) a yogurt drink;
- 3 (xvii) a probiotic drink;
- 4 (xviii) a wine cooler; and
- 5 (xix) any other beverage determined
- 6 to be appropriate by the Administrator.

7 (B) EXCLUSIONS.—The term “beverage”

8 does not include—

- 9 (i) a drug regulated under the Federal
- 10 Food, Drug, and Cosmetic Act (21 U.S.C.
- 11 301 et seq.);
- 12 (ii) infant formula; or
- 13 (iii) a meal replacement liquid.

14 (3) BEVERAGE CONTAINER.—

15 (A) IN GENERAL.—The term “beverage

16 container” means a prepackaged container

17 that—

- 18 (i) is designed to hold a beverage;
- 19 (ii) is made of any material, including
- 20 glass, plastic, and metal; and
- 21 (iii) has a volume of not more than 3
- 22 liters.

23 (B) EXCLUSIONS.—The term “beverage

24 container” does not include—

- 25 (i) a carton;

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

4 (4) COMMUNITY OF COLOR.—The term “com-
5 munity of color” means a geographically distinct
6 area in which the percentage of the population of the
7 community represented by people of color is higher
8 than the percentage of the population of the State
9 represented by people of color.

10 (5) CONSULTATION.—The term “consultation”
11 means the meaningful and timely process of—

12 (A) seeking, discussing, and carefully con-
13 sidering the views of fenceline communities in a
14 manner that is cognizant of the values of all
15 parties; and

16 (B) when feasible, seeking agreement
17 among the parties.

18 (6) COVERED FACILITY.—The term “covered
19 facility” means—

20 (A) an industrial facility that transforms
21 petrochemical gas and liquids into ethylene and
22 propylene for later conversion into plastic poly-
23 mers;

1 (B) an industrial facility that transforms
2 ethylene and propylene into any other chemical
3 for later conversion into plastic polymers;

4 (C) a plastic polymerization, monomer,
5 polymer, or resin production facility;

6 (D) an industrial facility that
7 depolymerizes or otherwise breaks down plastic
8 polymers into chemical feedstocks for use in
9 new products or as fuel;

10 (E) an industrial facility that converts, in-
11 cluding through pyrolysis or gasification, plastic
12 polymers into chemical feedstocks;

13 (F) an industrial facility that generates
14 fuel or energy from plastic polymers through
15 waste-to-fuel technology, an incinerator, pyrol-
16 ysis, gasification, or other similar technology, as
17 determined by the Administrator; and

18 (G) an industrial facility that produces a
19 chemical feedstock for use in the plastics manu-
20 facturing industry.

21 (7) COVERED PRODUCT.—The term “covered
22 product” means—

23 (A) ethylene;

24 (B) propylene; and

1 (C) raw plastic materials in any form, in-
2 cluding pellets, resin, nurdles, powder, and
3 flakes, including—

4 (i) polyethylene terephthalate (com-
5 monly referred to as “PET” or “PETE”);

6 (ii) high-density polyethylene (com-
7 monly referred to as “HDPE”);

8 (iii) low-density polyethylene (com-
9 monly referred to as “LDPE”);

10 (iv) polypropylene (commonly referred
11 to as “PP”);

12 (v) polyvinyl chloride (commonly re-
13 ferred to as “PVC”);

14 (vi) polystyrene (commonly referred to
15 as “PS”); and

16 (vii) any other plastic polymer deter-
17 mined to be appropriate by the Adminis-
18 trator.

19 (8) ENVIRONMENTAL JUSTICE.—The term “en-
20 vironmental justice” means the fair treatment and
21 meaningful involvement of all individuals, regardless
22 of race, color, national origin, educational level, or
23 income, with respect to the development, implemen-
24 tation, and enforcement of environmental laws, regu-
25 lations, and policies to ensure that—

1 (A) communities with significant popu-
2 lations of racial minorities, communities of
3 color, Indigenous communities, and low-income
4 communities have full access to public informa-
5 tion and opportunities for meaningful public
6 participation with respect to human health and
7 environmental planning, regulations, and en-
8 forcement;

9 (B) no community described in subpara-
10 graph (A) is exposed to a disproportionate bur-
11 den of the negative human health and environ-
12 mental impacts of pollution or other environ-
13 mental hazards; and

14 (C) the 17 principles described in the docu-
15 ment entitled “The Principles of Environmental
16 Justice”, written and adopted at the First Na-
17 tional People of Color Environmental Leader-
18 ship Summit convened on October 24 through
19 27, 1991, in Washington, DC, are upheld.

20 (9) FENCELINE COMMUNITY.—

21 (A) IN GENERAL.—The term “fenceline
22 community” means a community located near a
23 covered facility that has experienced, as a result
24 of that location—

1 (i) negative impacts on human health
2 and the environment; and

3 (ii) systemic socioeconomic disparity
4 or another form of injustice with respect to
5 policies, regulations, or enforcement.

6 (B) INCLUSIONS.—The term “fenceline
7 community” includes a low-income community,
8 an Indigenous community, and a community of
9 color.

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

14 (A) a utensil;

15 (B) a straw;

16 (C) a stirrer;

17 (D) a drink cup;

18 (E) a drink lid;

19 (F) a food package;

20 (G) a food container;

21 (H) a hinged or lidded container (com-
22 monly known as a “clamshell”);

23 (I) a plate;

24 (J) a bowl;

1 (K) a meat, fish, seafood, or vegetable
2 tray;

3 (L) a food wrapper; and

4 (M) a beverage container.

5 (11) INDIGENOUS COMMUNITY.—The term “In-
6 digenous community” means—

7 (A) a federally recognized Indian Tribe;

8 (B) a State-recognized Indian Tribe;

9 (C) an Alaska Native or Native Hawaiian
10 community or organization; and

11 (D) any other community of Indigenous in-
12 dividuals, including communities in other coun-
13 tries.

14 (12) LIMITED ENGLISH PROFICIENCY INDI-
15 VIDUAL.—The term “limited English proficiency in-
16 dividual” means an individual that—

17 (A) does not speak English as their pri-
18 mary language; or

19 (B) has a limited ability to read, speak,
20 write, or understand English.

21 (13) LOW-INCOME COMMUNITY.—The term
22 “low-income community” means any census block
23 group in which 30 percent or more of the population
24 are individuals with an annual household income
25 equal to, or less than, the greater of—

1 (A) an amount equal to 80 percent of the
2 median income of the area in which the house-
3 hold is located, as reported by the Secretary of
4 Housing and Urban Development; and

5 (B) 200 percent of the Federal poverty
6 line.

7 (14) MATERIAL RECOVERY FACILITY.—The
8 term “material recovery facility” means a solid
9 waste management facility that processes materials
10 for reuse or recycling.

11 (15) MEANINGFUL.—The term “meaningful”,
12 with respect to involvement by the public in a deter-
13 mination by a Federal agency, means that—

14 (A) potentially affected residents of a com-
15 munity have an appropriate opportunity to par-
16 ticipate in decisions relating to a proposed ac-
17 tivity that will affect the environment or public
18 health of the community;

19 (B) the public contribution can influence
20 the determination by the Federal agency;

21 (C) the concerns of all participants are
22 taken into consideration in the decisionmaking
23 process; and

24 (D) the Federal agency—

1 (i) provides to potentially affected
2 members of the public accurate informa-
3 tion, including identifying limited English
4 proficiency individuals who need language
5 assistance, implementing accessible lan-
6 guage assistance measures, and providing
7 notice to limited English proficiency indi-
8 viduals for effective engagement in deci-
9 sions; and

10 (ii) facilitates the involvement of po-
11 tentially affected members of the public.

12 (16) PACKAGING.—

13 (A) IN GENERAL.—The term “packaging”
14 means—

15 (i) any package or container, regard-
16 less of recyclability or compostability; and

17 (ii) any separable and distinct mate-
18 rial component, regardless of recyclability
19 or compostability, used for the contain-
20 ment, protection, handling, delivery, and
21 presentation of goods that are sold, offered
22 for sale, or distributed to consumers in the
23 United States, including through an inter-
24 net transaction.

- 1 (B) INCLUSIONS.—The term “packaging”
2 includes—
- 3 (i) an item described in subparagraph
4 (A) that is—
- 5 (I) sales packaging or primary
6 packaging intended for the consumer
7 market;
- 8 (II) service packaging designed
9 and intended to be used or filled at
10 the point of sale, such as carry-out
11 bags, bulk good bags, take-out bags,
12 and home delivery food service prod-
13 ucts;
- 14 (III) secondary packaging used
15 to group products for multiunit sale;
16 or
- 17 (IV) tertiary packaging used for
18 transportation or distribution directly
19 to a consumer; and
- 20 (ii) any ancillary element that is—
- 21 (I) hung on, or attached to, a
22 product; and
- 23 (II) performing a packaging
24 function.

1 (C) EXCLUSION.—The term “packaging”
2 does not include an item described in subpara-
3 graph (A) or (B) that—

4 (i) is used for the long-term protection
5 or storage of a product; and

6 (ii) has a useful life of not less than
7 5 years, as determined by the Adminis-
8 trator.

9 (17) PHYSICAL CLIMATE RISKS.—

10 (A) IN GENERAL.—The term “physical cli-
11 mate risks” means risks to covered facilities
12 and the operations of covered facilities that re-
13 sult from exposure to physical climate-related
14 effects, including—

15 (i) increased average global tempera-
16 tures;

17 (ii) increased severity and frequency
18 of extreme weather events;

19 (iii) increased flooding;

20 (iv) sea-level rise;

21 (v) increased severity and frequency of
22 heat waves;

23 (vi) increased frequency of wildfires;

24 (vii) decreased arability of farmland;

25 and

1 (viii) decreased availability of fresh
2 water.

3 (B) INCLUSIONS.—The term “physical cli-
4 mate risks” includes the risk of additional emis-
5 sions, accidents, failure of hazardous waste con-
6 tainment, and other risks resulting from the ex-
7 posure of covered facilities and the operations
8 of covered facilities to physical climate-related
9 effects.

10 (18) PLASTIC.—

11 (A) IN GENERAL.—The term “plastic”
12 means a synthetic or semisynthetic material
13 that—

14 (i) is synthesized by the polymeriza-
15 tion of organic substances; and

16 (ii) is capable of being shaped into
17 various rigid and flexible forms.

18 (B) INCLUSIONS.—The term “plastic” in-
19 cludes coatings and adhesives described in sub-
20 paragraph (A).

21 (C) EXCLUSIONS.—The term “plastic”
22 does not include—

23 (i) natural rubber; or

24 (ii) naturally occurring polymers, such
25 as proteins or starches.

1 (19) PRODUCER.—

2 (A) IN GENERAL.—The term “producer”
3 means an entity that—

4 (i)(I) manufactures a covered product
5 or beverage container; and

6 (II) owns, or is a licensee of, the
7 brand or trademark under which that cov-
8 ered product or beverage container is—

9 (aa) used in a commercial enter-
10 prise in the United States;

11 (bb) sold or offered for sale in
12 the United States; or

13 (cc) distributed in the United
14 States;

15 (ii) if no entity described in clause (i)
16 exists with respect to a covered product or
17 beverage container, owns or, if the owner
18 is not located in the United States, is the
19 exclusive licensee of a brand or trademark
20 under which the covered product or bev-
21 erage container is used in a commercial en-
22 terprise, sold or offered for sale, or distrib-
23 uted, in the United States; or

24 (iii) if no entity described in clause (i)
25 or (ii) exists with respect to a covered

1 product or beverage container, sells, offers
2 for sale, or distributes the covered product
3 or beverage container in the United States.

4 (B) EXCLUSION.—The term “producer”
5 does not include an entity that produces, har-
6 vests, and packages an agricultural commodity
7 on the site where the agricultural commodity
8 was grown or raised.

9 (C) RELATED DEFINITIONS.—For pur-
10 poses of subparagraph (A):

11 (i) LICENSEE.—The term “licensee”
12 means an entity that holds the exclusive
13 right to use a trademark or brand in the
14 United States in connection with the man-
15 ufacture, sale, or distribution of a covered
16 product or beverage container.

17 (ii) MANUFACTURE.—The term “man-
18 ufacture”, with respect to a beverage con-
19 tainer, means to bottle, can, or otherwise
20 fill a beverage container for sale to—

21 (I) distributors distributing bev-
22 erage containers to retailers;

23 (II) importers; or

24 (III) retailers.

1 (iii) SALE.—The term “sale” includes
2 the delivery of a covered product or bev-
3 erage container to a purchaser in the
4 United States.

5 (20) REFILL; REFILLABLE; REUSABLE;
6 REUSE.—The terms “refill”, “refillable”, “reusable”,
7 and “reuse” mean—

8 (A) with respect to packaging or a food
9 service product that is reused or refilled by a
10 producer, that the packaging or food service
11 product is—

12 (i) explicitly designed and marketed to
13 be utilized for not less than the number of
14 cycles that the Administrator determines
15 to be appropriate, for the same product, or
16 for another purposeful packaging use in a
17 supply chain;

18 (ii) designed for durability to function
19 properly in original condition for multiple
20 cycles;

21 (iii) composed of materials that do not
22 contain—

23 (I) toxic heavy metals;

24 (II) pathogens;

25 (III) additives; or

1 (IV) toxic substances or chemical
2 substances designated as high-priority
3 substances under section 6(b)(1) of
4 the Toxic Substances Control Act (15
5 U.S.C. 2605(b)(1)), including the
6 chemicals or mixtures of chemicals de-
7 scribed in section 4(f)(3);

8 (iv) supported by adequate infrastruc-
9 ture to ensure that the packaging or food
10 service product can be conveniently and
11 safely reused or refilled for multiple cycles;
12 and

13 (v) repeatedly recovered, inspected,
14 and repaired, if necessary, and reissued
15 into the supply chain for reuse or refill for
16 multiple cycles; and

17 (B) with respect to packaging or a food
18 service product that is reused or refilled by a
19 consumer, that the packaging or food service
20 product is—

21 (i) explicitly designed and marketed to
22 be utilized for not less than the number of
23 cycles that the Administrator determines
24 to be appropriate, for the same product;

1 (ii) designed for durability to function
2 properly in its original condition for mul-
3 tiple cycles;

4 (iii) composed of materials that do not
5 contain—

6 (I) toxic heavy metals;

7 (II) pathogens;

8 (III) additives; or

9 (IV) toxic substances or chemical
10 substances designated as high-priority
11 substances under section 6(b)(1) of
12 the Toxic Substances Control Act (15
13 U.S.C. 2605(b)(1)), including the
14 chemicals or mixtures of chemicals de-
15 scribed in section 4(f)(3); and

16 (iv) supported by adequate and con-
17 venient availability of, and retail infra-
18 structure for, bulk or large format pack-
19 aging that may be refilled to ensure the
20 packaging or food service product can be
21 conveniently and safely reused or refilled
22 by the consumer for multiple cycles, as
23 needed.

24 (21) SINGLE-USE PLASTIC.—

1 (A) IN GENERAL.—The term “single-use
2 plastic” means a plastic product or packaging
3 that—

4 (i) is routinely disposed of, recycled,
5 or otherwise discarded after a single use;
6 or

7 (ii) is not sufficiently durable or wash-
8 able to be, or is not intended to be, reus-
9 able or refillable.

10 (B) EXCLUSIONS.—The term “single-use
11 plastic” does not include—

12 (i) medical equipment, medical de-
13 vices, consumer personal protective equip-
14 ment, or other products determined by the
15 Secretary of Health and Human Services
16 to necessarily be made of plastic for the
17 protection of public health or for people
18 with disabilities;

19 (ii) packaging that is—

20 (I) for any product described in
21 clause (i) that is determined by the
22 Secretary of Health and Human Serv-
23 ices to necessarily be used for the pro-
24 tection of public health or for people
25 with disabilities; or

1 (II) used for the shipment of
2 hazardous materials, such that the
3 packaging is prohibited from being
4 composed of used materials under sec-
5 tion 178.509 or 178.522 of title 49,
6 Code of Federal Regulations (as in ef-
7 fect on the date of enactment of this
8 Act); or

9 (iii) personal hygiene products that,
10 due to the intended use of the products,
11 could become unsafe or unsanitary to recy-
12 cle, such as diapers.

13 (22) TEMPORARY PAUSE PERIOD.—The term
14 “temporary pause period” means the period—

15 (A) beginning on the date of enactment of
16 this Act; and

17 (B) ending on the date that is the first
18 date on which—

19 (i) all regulations and final rules re-
20 quired under subsections (c), (d), and (e)
21 of section 4 are in effect; and

22 (ii) the amendments made by sub-
23 section (h) of that section are fully imple-
24 mented.

25 (23) 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 envi-
10 ronment; and

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

13 (B) CONDITIONS.—The conditions referred
14 to in subparagraph (A)(ii) are the following:

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

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

21 (II) the Comprehensive Environ-
22 mental Response, Compensation, and
23 Liability Act of 1980 (42 U.S.C. 9601
24 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-benzotriazol-
9 2-yl)-4,6-di-tert-pentylphenol);
- 10 (VI) a chlorinated paraffin;
- 11 (VII) listed as a persistent or-
12 ganic pollutant by the Stockholm Con-
13 vention on Persistent Organic Pollut-
14 ants;
- 15 (VIII) given an overall carcino-
16 genicity evaluation of Group 1, Group
17 2A, or Group 2B by the International
18 Agency for Research on Cancer; or
- 19 (IX) listed as a toxic, poisonous,
20 explosive, corrosive, flammable,
21 ecotoxic, or infectious waste by the
22 Basel Convention on the Control of
23 Transboundary Movements of Haz-
24 arduous 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, repro-
10 ductive toxicant, immunotoxicant,
11 neurotoxicant, or endocrine disruptor.

12 (II) A persistent bioaccumulative.

13 (III) A chemical or chemical class
14 that may—

15 (aa) harm the normal devel-
16 opment of a fetus or child or
17 cause other developmental tox-
18 icity in humans or wildlife;

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

21 (cc) have an adverse impact
22 on—

23 (AA) air quality;

24 (BB) ecology;

25 (CC) soil quality; or

1 (DD) water quality.

2 (IV) A chemical or chemical class
3 that has toxicity equivalent to the tox-
4 icity reflected in a criterion described
5 in any of subclauses (I) through (III).

6 (24) 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 **SEC. 4. ENVIRONMENTAL JUSTICE PROTECTIONS AT COV-**
14 **ERED FACILITIES.**

15 (a) NATIONAL ACADEMIES STUDY OF PLASTICS IN-
16 DUSTRY.—

17 (1) AGREEMENT.—

18 (A) IN GENERAL.—The Administrator
19 shall offer to enter into an agreement with the
20 National Academy of Sciences and the National
21 Institutes of Health to conduct a study of—

22 (i) the existing and planned expansion
23 of the industry of producers of covered
24 products, including the entire supply chain,
25 the extraction and refining of fossil fuels

1 and polymer feedstocks, chemical recycling
2 efforts, end uses, disposal fate, and
3 lifecycle impacts of covered products;

4 (ii) the environmental, public health,
5 environmental justice, and pollution im-
6 pacts of covered facilities and the products
7 of covered facilities;

8 (iii) the use of additives in the pro-
9 duction of covered products and the con-
10 sequences of those additives on public
11 health;

12 (iv) the existing standard technologies
13 and practices of covered facilities with re-
14 spect to the discharge and emission of pol-
15 lutants into the environment;

16 (v) the best available technologies and
17 practices that reduce or eliminate the envi-
18 ronmental justice and pollution impacts of
19 covered facilities, associated infrastructure
20 of covered facilities, and the products of
21 covered facilities; and

22 (vi) the toxicity of plastic polymers,
23 additives, and chemicals (including byprod-
24 ucts), including the impacts of those poly-
25 mers, additives, and chemicals on—

- 1 (I) public health;
2 (II) the recyclability of plastic;
3 and
4 (III) the ability to use recycled
5 content.

6 (B) FAILURE TO ENTER AGREEMENT.—If
7 the Administrator fails to enter into an agree-
8 ment described in subparagraph (A), the Ad-
9 ministrator shall conduct the study described in
10 that subparagraph.

11 (2) REQUIREMENTS.—The study under para-
12 graph (1) shall—

13 (A) take into consideration—

14 (i) the direct, indirect, and cumulative
15 environmental impacts of industries, in-
16 cluding plastic production industries,
17 chemical recycling industries, and the in-
18 dustries of other covered facilities;

19 (ii) the impacts of the planned expan-
20 sion of those industries, including local, re-
21 gional, national, and international air,
22 water, waste, climate change, public health,
23 and environmental justice impacts of those
24 industries; and

1 (iii)(I) the impacts of physical climate
2 risks on the environmental, public health,
3 environmental justice, and pollution risks
4 posed by covered facilities and the products
5 of covered facilities; and

6 (II) the effectiveness of best available
7 technologies to reduce or eliminate those
8 environmental, public health, and environ-
9 mental justice and pollution risks; and

10 (B) recommend technologies, regulations,
11 standards, and practices, including rec-
12 ommendations for technologies, regulations,
13 standards, and practices that will best carry out
14 the regulatory modifications required under
15 subsections (c), (d), and (f), to remediate or
16 eliminate the local, regional, national, and inter-
17 national air, water, waste, climate change, pub-
18 lic health, and environmental justice impacts of
19 the industries described in subparagraph (A)(i).

20 (3) REPORT.—Not later than 18 months after
21 the date of enactment of this Act, the Administrator
22 shall submit to Congress a report describing the re-
23 sults of the study under paragraph (1).

24 (4) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to the Na-

1 tional Academy of Sciences and the National Insti-
2 tutes of Health such sums as are necessary to carry
3 out this subsection.

4 (b) PERMITTING MORATORIUM FOR COVERED FA-
5 CILITIES.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 during the temporary pause period, notwithstanding
8 any other provision of law—

9 (A) the Administrator shall not issue a
10 new permit for a covered facility under—

11 (i) the Clean Air Act (42 U.S.C. 7401
12 et seq.); or

13 (ii) the Federal Water Pollution Con-
14 trol Act (33 U.S.C. 1251 et seq.);

15 (B) the Secretary of the Army, acting
16 through the Chief of Engineers, shall not issue
17 a new permit for a covered facility under sec-
18 tion 404 of the Federal Water Pollution Control
19 Act (33 U.S.C. 1344);

20 (C) the Administrator shall object in writ-
21 ing under subsections (b) and (c) of section 505
22 of the Clean Air Act (42 U.S.C. 7661d) or sec-
23 tion 402(d)(2) of the Federal Water Pollution
24 Control Act (33 U.S.C. 1342(d)(2)), as applica-
25 ble, to any new permit issued to a covered facil-

1 ity by a State agency delegated authority under
 2 the Clean Air Act (42 U.S.C. 7401 et seq.) or
 3 the Federal Water Pollution Control Act (33
 4 U.S.C. 1251 et seq.); and

5 (D) the export of covered products is pro-
 6 hibited.

7 (2) EXCEPTION.—Paragraph (1) does not apply
 8 to a permit described in that paragraph for a facility
 9 that is—

10 (A) a material recovery facility;

11 (B) a mechanical recycling facility; or

12 (C) a compost facility.

13 (c) CLEAN AIR REQUIREMENTS FOR COVERED FA-
 14 CILITIES.—

15 (1) TIMELY REVISION OF EMISSIONS STAND-
 16 ARDS.—Section 111(b)(1)(B) of the Clean Air Act
 17 (42 U.S.C. 7411(b)(1)(B)) is amended by striking
 18 the fifth sentence.

19 (2) NEW SOURCE PERFORMANCE STANDARDS
 20 FOR CERTAIN FACILITIES.—Not later than 3 years
 21 after the date of enactment of this Act, the Adminis-
 22 trator shall promulgate a final rule—

23 (A) designating petrochemical feedstock
 24 and polymer production facilities as a category
 25 of stationary source under section 111(b)(1)(A)

1 of the Clean Air Act (42 U.S.C.
2 7411(b)(1)(A)); and

3 (B) establishing new source performance
4 standards under section 111(f)(1) of the Clean
5 Air Act (42 U.S.C. 7411(f)(1)) for the category
6 of stationary source designated under subpara-
7 graph (A).

8 (3) STORAGE VESSELS FOR COVERED PROD-
9 UCTS.—Not later than 3 years after the date of en-
10 actment of this Act, the Administrator shall promul-
11 gate a final rule modifying section 60.112b(a) of
12 title 40, Code of Federal Regulations, to ensure that
13 an owner or operator of a storage vessel containing
14 liquid with a vapor pressure equal to or more than
15 5 millimeters of mercury under actual storage condi-
16 tions that is regulated under that section uses—

17 (A) an internal floating roof tank con-
18 nected to a volatile organic compound control
19 device; or

20 (B) a fixed-roof tank connected to a vola-
21 tile organic compound control device.

22 (4) FLARING.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator
24 shall promulgate a final rule—

1 (A) modifying title 40, Code of Federal
2 Regulations (as in effect on the date of enact-
3 ment of this Act), to ensure that flaring, at
4 ground-level and elevated, shall only be per-
5 mitted when necessary solely for safety reasons;
6 and

7 (B) modifying sections 60.112b(a)(3)(ii),
8 60.115b(d)(1), 60.482–10a(d), 60.562–
9 1(a)(1)(i)(C), 60.662(b), and 60.702(b) of title
10 40, Code of Federal Regulations (as in effect on
11 the date of enactment of this Act), to ensure
12 that—

13 (i) references to flare standards under
14 those sections refer to the flare standards
15 established under subparagraph (A); and

16 (ii) the flare standards under those
17 sections are, without exception, continu-
18 ously applied.

19 (5) NATURAL GAS-FIRED STEAM BOILERS.—
20 Not later than 3 years after the date of enactment
21 of this Act, the Administrator shall promulgate a
22 final rule revising subpart Db of part 60 of title 40,
23 Code of Federal Regulations (as in effect on the
24 date of enactment of this Act), to ensure that boilers
25 or heaters located at an affected covered facility reg-

1 ulated under that subpart may only burn gaseous
2 fuels, not solid fuels or liquid fuels.

3 (6) MONITORING.—Not later than 2 years after
4 the date of enactment of this Act, the Administrator
5 shall promulgate a final rule revising subparts DDD,
6 NNN, and RRR and other relevant subparts of part
7 60 of title 40, Code of Federal Regulations (as in ef-
8 fect on the date of enactment of this Act)—

9 (A) to require continuous emissions moni-
10 toring of benzene, nitrogen oxides, sulfur diox-
11 ide, carbon monoxide, other hazardous air pol-
12 lutants, and filterable particulate matter for all
13 combustion devices, including during startups,
14 shutdowns, and malfunctions of the facilities
15 regulated by those subparts;

16 (B) to require—

17 (i) accurate and continuous record-
18 keeping when continuous emissions moni-
19 toring is required under subparagraph (A);
20 and

21 (ii) the records required under clause
22 (i) to be made available to the public in
23 real time;

24 (C) to require continuous monitoring of
25 emissions from combustion devices under sec-

1 tion 63.658 of title 40, Code of Federal Regula-
2 tions (as in effect on the date of enactment of
3 this Act), for nitrogen oxides, sulfur dioxide,
4 carbon monoxide, filterable and condensable
5 particulate matter, and all other relevant haz-
6 ardous air pollutants; and

7 (D) to ensure that the continuous moni-
8 toring of combustion devices required under
9 subparagraphs (A) and (C) are used to deter-
10 mine the compliance of facilities regulated by
11 those subparts with the Clean Air Act (42
12 U.S.C. 7401 et seq.).

13 (d) CLEAN WATER REQUIREMENTS FOR COVERED
14 FACILITIES.—

15 (1) BAT AND NSPS STANDARDS FOR PLASTIC
16 POLYMER PRODUCTION.—Not later than 3 years
17 after the date of enactment of this Act, the Adminis-
18 trator shall promulgate a final rule—

19 (A) modifying part 414 of title 40, Code of
20 Federal Regulations (as in effect on the date of
21 enactment of this Act), to ensure that the best
22 available technology and new source perform-
23 ance standard requirements under that part re-
24 flect updated best available technology and best
25 available demonstrated control technology for

1 all pollutants discharged by covered facilities
2 that produce covered products, including pollut-
3 ants of concern that are not regulated on the
4 date of enactment of this Act;

5 (B) modifying sections 414.91(b),
6 414.101(b), and 414.111(b) of title 40, Code of
7 Federal Regulations (as in effect on the date of
8 enactment of this Act), to ensure that—

9 (i) for new source performance stand-
10 ards for applicable covered facilities pro-
11 ducing covered products, the maximum ef-
12 fluent limit for any 1 day and for any
13 monthly average for the priority pollutants
14 described in appendix A to part 423 of
15 title 40, Code of Federal Regulations (as
16 in effect on the date of enactment of this
17 Act), is 0 milligrams per liter, unless the
18 Administrator—

19 (I) determines that higher limits
20 are justified using best available dem-
21 onstrated control technology; and

22 (II) publishes the determination
23 under subclause (I) and the proposed
24 higher limits in a rulemaking; and

1 (ii) for best available technology and
2 new source performance standards, the
3 maximum effluent limit for any 1 day and
4 for any monthly average for total plastic
5 pellets and other plastic material is 0 milli-
6 grams per liter; and

7 (C) that ensures that the best available
8 technology limitations described in part 414 of
9 title 40, Code of Federal Regulations (as modi-
10 fied under subparagraph (A)) apply to covered
11 facilities that produce fewer than 5,000,001
12 pounds of covered products per year.

13 (2) REVISED EFFLUENT LIMITATIONS GUIDE-
14 LINES FOR PETROCHEMICAL FEEDSTOCK AND POLY-
15 MER PRODUCTION.—

16 (A) BAT AND NSPS STANDARDS.—Not
17 later than 3 years after the date of enactment
18 of this Act, the Administrator shall promulgate
19 a final rule—

20 (i) modifying sections 419.23, 419.26,
21 419.33, and 419.36 of title 40, Code of
22 Federal Regulations (as in effect on the
23 date of enactment of this Act), to ensure
24 that the best available technology and new
25 source performance standards reflect up-

1 dated best available technology and best
2 available demonstrated control technology
3 for all pollutants discharged by covered fa-
4 cilities producing petrochemical feedstocks
5 and polymers; and

6 (ii) modifying sections 419.26(a) and
7 419.36(a) of title 40, Code of Federal Reg-
8 ulations (as in effect on the date of enact-
9 ment of this Act), to ensure that the new
10 source performance standards for any 1
11 day and for average of daily values for 30
12 consecutive days for the priority pollutants
13 described in appendix A to part 423 of
14 title 40, Code of Federal Regulations (as
15 in effect on the date of enactment of this
16 Act), is 0 milligrams per liter, unless the
17 Administrator—

18 (I) determines that higher limits
19 are necessary based on the best avail-
20 able demonstrated control technology;
21 and

22 (II) publishes the determination
23 under subclause (I) and the proposed
24 higher limits in a rulemaking.

1 (B) RUNOFF LIMITATIONS FOR ETHYLENE
2 AND PROPYLENE PRODUCTION.—Not later than
3 3 years after the date of enactment of this Act,
4 the Administrator shall promulgate a final rule
5 modifying sections 419.26(e) and 419.36(e) of
6 title 40, Code of Federal Regulations (as in ef-
7 fect on the date of enactment of this Act), to
8 ensure that runoff limitations that reflect best
9 available demonstrated control technology are
10 included.

11 (e) ENVIRONMENTAL JUSTICE REQUIREMENTS FOR
12 COVERED FACILITIES.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Administrator
15 shall promulgate a final rule to ensure that—

16 (A) any proposed permit to be issued by
17 the Administrator or a State agency to which
18 authority is delegated under the Clean Air Act
19 (42 U.S.C. 7401 et seq.) or the Federal Water
20 Pollution Control Act (33 U.S.C. 1251 et seq.)
21 with respect to a covered facility is accompanied
22 by an environmental justice assessment that—

23 (i) assesses the direct, indirect, and
24 cumulative economic, environmental, and
25 public health impacts of the proposed per-

1 mit on fenceline communities, considering
2 conditions in existence on the date of the
3 assessment and the foreseeable impacts of
4 climate change, including physical climate
5 risks; and

6 (ii) proposes changes or alterations to
7 the proposed permit that would, to the
8 maximum extent practicable, eliminate or
9 mitigate the impacts described in clause
10 (i);

11 (B) each proposed permit and environ-
12 mental justice assessment described in subpara-
13 graph (A) is delivered to applicable fenceline
14 communities at the beginning of the public com-
15 ment period for the proposed permit for pur-
16 poses of notification and consultation, which
17 shall include—

18 (i) prompt notification—

19 (I) through direct means, includ-
20 ing in non-English languages for lim-
21 ited English proficiency individuals;

22 (II) through publications likely to
23 be obtained by residents of the
24 fenceline community, including non-
25 English language publications; and

1 (III) in the form of a public
2 hearing in the fenceline community—

3 (aa) for which public notice
4 is provided—

5 (AA) not later than 60
6 days before the date on
7 which the public hearing is
8 to be held; and

9 (BB) using the means
10 described in subclauses (I)
11 and (II);

12 (bb) for which translation
13 services are provided; and

14 (cc) that is accessible
15 through live-streaming or alter-
16 native video streaming services
17 for which translation services are
18 provided; and

19 (ii) after the prompt notification re-
20 quired under clause (i), consultation that—

21 (I) facilitates effective collabora-
22 tion and informed policymaking that
23 further recognizes the importance of
24 regular communication and collabora-
25 tion with fenceline communities, re-

1 regardless of whether specific regulatory
2 or policy changes are being consid-
3 ered;

4 (II) seeks information and input
5 from fenceline communities by solie-
6 iting the collaboration, cooperation,
7 and participation of those fenceline
8 communities;

9 (III) includes an in-person meet-
10 ing or a telephone conference that—

11 (aa) is in a location, if appli-
12 cable, that is selected by those
13 engaged in the consultation to be
14 mutually accessible to representa-
15 tives of fenceline communities
16 and applicable Federal or State
17 government participants; and

18 (bb) removes institutional
19 and procedural impediments that
20 adversely affect working directly
21 with fenceline communities;

22 (IV) ensures that any health or
23 environmental concerns raised by
24 fenceline communities will be properly
25 investigated and considered in deci-

1 sions to grant or deny the proposed
2 permit; and

3 (V) explains to the representa-
4 tives of the fenceline community the
5 range of resulting actions that the Ad-
6 ministrators or State agency may take;

7 (C) the Administrator or a State agency to
8 which authority is delegated under the Clean
9 Air Act (42 U.S.C. 7401 et seq.) or the Federal
10 Water Pollution Control Act (33 U.S.C. 1251 et
11 seq.), as applicable, shall not approve a pro-
12 posed permit described in subparagraph (A) un-
13 less—

14 (i) changes or alterations have been
15 incorporated into the revised proposed per-
16 mit that, to the maximum extent prac-
17 ticable, eliminate or mitigate the impacts
18 described in subparagraph (A)(i);

19 (ii) the changes or alterations de-
20 scribed in clause (i) have been developed
21 with meaningful input from residents or
22 representatives of the fenceline community
23 in which the covered facility to which the
24 proposed permit would apply is located or
25 seeks to locate; and

1 (iii) the permit includes a community
2 benefit agreement that—

3 (I) has been entered into after
4 the prompt notification and consulta-
5 tion required under clauses (i) and
6 (ii), respectively, of subparagraph (B);
7 and

8 (II) stipulates the benefits the
9 covered facility agrees to fund or fur-
10 nish in exchange for community sup-
11 port for the covered facility, which
12 may include—

13 (aa) commitments to hire di-
14 rectly from a community;

15 (bb) contributions to eco-
16 nomic and health trust funds;

17 (cc) local workforce training
18 guarantees;

19 (dd) increased pollution con-
20 trol technologies;

21 (ee) operation restrictions;

22 (ff) financial assurances;

23 and

24 (gg) siting restrictions;

1 (D) the Administrator or a State agency to
2 which authority is delegated under the Clean
3 Air Act (42 U.S.C. 7401 et seq.) or the Federal
4 Water Pollution Control Act (33 U.S.C. 1251 et
5 seq.), as applicable, shall not approve a pro-
6 posed permit described in subparagraph (A)
7 during the 45-day period beginning on the date
8 on which a public hearing described in subpara-
9 graph (B)(i)(III) is held for the proposed per-
10 mit;

11 (E) the approval of a proposed permit de-
12 scribed in subparagraph (A) is conditioned on
13 the covered facility providing—

14 (i) response strategies that fully pro-
15 tect public health and safety and the envi-
16 ronment in fenceline communities, for
17 which the affected fenceline communities
18 have the opportunity to provide meaningful
19 input; and

20 (ii) subject to subparagraph (F)—

21 (I) comprehensive, continuous,
22 real-time monitoring of ambient air
23 quality—

24 (aa) around the perimeter of
25 the covered facility; and

1 (bb) in any areas that can
2 reasonably be impacted by the
3 covered facility;

4 (II) water quality testing of
5 wastewater discharges from the cov-
6 ered facility; and

7 (F) regardless of whether a permit has
8 been sought or issued with respect to the chem-
9 ical, each covered facility shall conduct appro-
10 priate air and water quality monitoring and
11 testing relating to each chemical produced at
12 the covered facility in a quantity of more than
13 100 pounds per year, and each chemical pro-
14 duced at the covered facility that is emitted in
15 excess of the applicable level permitted under
16 the Clean Air Act (42 U.S.C. 7401 et seq.) or
17 the Federal Water Pollution Control Act (33
18 U.S.C. 1251 et seq.), as applicable, to ensure
19 that any discharge of such a chemical into the
20 air or water shall be—

21 (i) reported to the Administrator by
22 not later than 48 hours after receipt of the
23 test result; and

24 (ii) if a release of information to the
25 public is not limited due to confidentiality

1 concerns, made publicly available in ac-
2 cordance with subclauses (I) and (II) of
3 subparagraph (B)(i).

4 (2) REQUIREMENTS.—

5 (A) INPUT.—The Administrator shall de-
6 velop the final rule under paragraph (1) with
7 meaningful input from—

8 (i) residents of fenceline communities;

9 and

10 (ii) representatives of fenceline com-
11 munities.

12 (B) COMMUNITY CONSULTATION.—In car-
13 rying out consultation under paragraph
14 (1)(B)(ii), the Administrator and each State
15 agency to which authority is delegated under
16 the Clean Air Act (42 U.S.C. 7401 et seq.) or
17 the Federal Water Pollution Control Act (33
18 U.S.C. 1251 et seq.) shall establish a dedicated
19 position that—

20 (i) supports fenceline communities in
21 understanding the technical nuances of the
22 permit and regulatory process; and

23 (ii) accounts for limited English pro-
24 ficiency individuals.

1 (3) REPORT TO CONGRESS ON STATE PERMIT-
2 TING PROGRAMS.—Not later than 2 years after the
3 date on which the final rule required under para-
4 graph (1) is published in the Federal Register, and
5 not less frequently than once every 5 years there-
6 after, the Administrator shall submit to Congress a
7 report evaluating the implementation by States of
8 required environmental justice considerations pursu-
9 ant to that final rule in State permitting programs
10 under the Clean Air Act (42 U.S.C. 7401 et seq.)
11 and the Federal Water Pollution Control Act (33
12 U.S.C. 1251 et seq.).

13 (f) TOXIC SUBSTANCES.—

14 (1) INVENTORY AND REPORTING.—Section 8(b)
15 of the Toxic Substances Control Act (15 U.S.C.
16 2607(b)) is amended by adding at the end the fol-
17 lowing:

18 “(11) PLASTICS.—

19 “(A) DEFINITIONS OF COVERED FACILITY;
20 COVERED PRODUCT; PLASTIC; SINGLE-USE
21 PLASTIC.—In this paragraph, the terms ‘cov-
22 ered facility’, ‘covered product’, ‘plastic’, and
23 ‘single-use plastic’ have the meanings given
24 those terms in section 3 of the Protecting Com-
25 munities from Plastics Act of 2024.

1 “(B) INVENTORY.—Not later than April 1,
2 2027, and every 3 years thereafter, the Admin-
3 istrator shall prepare, and publish in the Fed-
4 eral Register, an inventory of plastic manufac-
5 turing, distribution in commerce, and trade in
6 the United States.

7 “(C) PROCESS.—In preparing the inven-
8 tory under subparagraph (B), the Adminis-
9 trator shall—

10 “(i) identify—

11 “(I) each covered facility; and

12 “(II) any other manufacturer of
13 plastic products;

14 “(ii) identify—

15 “(I) the monomers and polymers
16 associated with plastic production;

17 “(II) the types or uses of plastic
18 products manufactured; and

19 “(III) the associated quantities of
20 polymer and product manufacture and
21 uses;

22 “(iii) quantify the single-use plastics
23 manufactured—

24 “(I) in the aggregate; and

25 “(II) by use category;

1 “(iv) quantify the percentage of post-
2 consumer recycled material content of
3 feedstocks for manufacture of the types of
4 plastic products identified under clause
5 (ii)(II);

6 “(v) provide information and quan-
7 tified estimates regarding the fate of the
8 plastic products at the end of useful life;

9 “(vi) identify the chemicals used in
10 polymer or plastic production that may
11 pose a potential risk to human health and
12 the environment, taking into account the
13 data reported under subparagraph (D)(i),
14 which shall include, at a minimum, the in-
15 formation described in subparagraphs (A)
16 through (G) of subsection (a)(2);

17 “(vii) specify any chemicals identified
18 under clause (vi)—

19 “(I) that are undergoing regu-
20 latory action under section 6; or

21 “(II) for which regulatory action
22 under section 6 is anticipated during
23 the following 3 years;

24 “(viii) for each chemical identified
25 under clause (vi) that is not specified

1 under clause (vii), provide a timetable for
2 regulatory action under section 6 and any
3 other recommended actions, including pro-
4 posed revisions of Federal law or regula-
5 tions, to achieve further reductions in plas-
6 tic manufacture or distribution in com-
7 merce; and

8 “(ix) propose revisions to Federal law
9 or regulations to achieve further reductions
10 in plastic manufacture or distribution in
11 commerce.

12 “(D) REPORTING.—

13 “(i) IN GENERAL.—To assist in the
14 preparation of the inventory under sub-
15 paragraph (B), notwithstanding section
16 3(2)(B), each person that manufactures a
17 covered product used in plastic production,
18 and each person that manufactures a plas-
19 tic product, shall submit to the Adminis-
20 trator periodic reports at such time and in-
21 cluding such information as the Adminis-
22 trator shall determine, by rule.

23 “(ii) PROMULGATION OF RULE.—Not
24 later than July 1, 2026, the Administrator

1 shall promulgate the rule described in
2 clause (i).

3 “(iii) PREVIOUSLY SUBMITTED INFOR-
4 MATION.—To avoid duplication, informa-
5 tion previously submitted to the Adminis-
6 trator under this section may be consid-
7 ered to be partially compliant with the re-
8 porting requirements of this subparagraph
9 if the information previously submitted is
10 an accurate reflection of the current infor-
11 mation.

12 “(iv) PUBLIC AVAILABILITY.—The
13 Administrator shall make available to the
14 public, in an accessible database, the re-
15 ports submitted under clause (i), in accord-
16 ance with section 14.”

17 (2) CUMULATIVE HEALTH RISKS POSED BY
18 COVERED FACILITIES.—

19 (A) DEFINITIONS.—In this paragraph:

20 (i) CHEMICAL SUBSTANCE; MIX-
21 TURE.—The terms “chemical substance”
22 and “mixture” have the meanings given
23 those terms in section 3 of the Toxic Sub-
24 stances Control Act (15 U.S.C. 2602).

1 (ii) COVERED FACILITY.—The term
2 “covered facility” means a covered facility
3 identified in the inventory.

4 (iii) INVENTORY.—The term “inven-
5 tory” means the inventory published under
6 paragraph (11) of section 8(b) of the Toxic
7 Substances Control Act (15 U.S.C.
8 2607(b)).

9 (B) ASSESSMENT.—Not later than April 1,
10 2029, taking into account the inventory, the
11 Administrator shall conduct a single assessment
12 of the aggregate, cumulative public health im-
13 pacts on fenceline communities at covered facili-
14 ties.

15 (C) REQUIREMENTS.—The assessment
16 under subparagraph (B) shall—

17 (i) ascertain the potentially exposed or
18 susceptible subpopulations;

19 (ii) estimate the magnitude of the po-
20 tential health impacts on—

21 (I) fenceline communities gen-
22 erally; and

23 (II) more exposed or susceptible
24 subpopulations specifically;

1 (iii) determine which chemical sub-
2 stances or mixtures may be causing or con-
3 tributing to potential adverse public health
4 impacts;

5 (iv) include an assessment of—

6 (I) the cumulative exposures as-
7 sociated with covered facilities from
8 all chemicals used to make plastic
9 polymers, considering conditions in ex-
10 istence on the date of the assessment
11 and the foreseeable impacts of climate
12 change, including physical climate
13 risks;

14 (II) the chemical substances (in-
15 cluding plastic polymers, additives,
16 and byproducts) produced from—

17 (aa) the use of the plastic
18 polymers as feedstocks for other
19 chemicals; and

20 (bb) waste-to-fuel tech-
21 nology; and

22 (III) the impact of chemical sub-
23 stances (including plastic polymers,
24 additives, and byproducts) on—

1 (aa) the recyclability of plas-
2 tics;

3 (bb) the use of recycled con-
4 tent in food contact products and
5 packaging; and

6 (cc) public health; and

7 (v) focus on—

8 (I) communities located near cov-
9 ered facilities;

10 (II) workers at covered facilities;

11 (III) other potentially exposed or
12 susceptible subpopulations; and

13 (IV) impacts in other countries
14 resulting from—

15 (aa) volatile organic com-
16 pounds, metals, and other toxic
17 additives and air emissions of
18 foreign recycling facilities;

19 (bb) the export from the
20 United States of plastic products,
21 intermediary products (such as
22 pellets), and plastic waste from
23 covered facilities;

24 (cc) disposal and manage-
25 ment of unrecycled fractions

1 from the exports described in
2 item (bb);

3 (dd) water and land pollu-
4 tion resulting from importation
5 of those exports; and

6 (ee) the legality of those im-
7 ports, including under the Basel
8 Convention on the Control of
9 Transboundary Movements of
10 Hazardous Wastes and Their
11 Disposal, done at Basel, Switzer-
12 land, March 22, 1989.

13 (D) PROCEDURAL REQUIREMENTS.—The
14 assessment under subparagraph (B) shall be
15 subject to—

16 (i) public notice and an opportunity
17 for public comment; and

18 (ii) peer review by the Science Advi-
19 sory Committee on Chemicals established
20 under section 26(o) of the Toxic Sub-
21 stances Control Act (15 U.S.C. 2625(o)).

22 (3) HIGH-PRIORITY SUBSTANCES.—

23 (A) STYRENE AND VINYL CHLORIDE.—Not
24 later than 2 years after the date of enactment
25 of this Act, the Administrator, after public no-

1 tice and an opportunity for comment, shall
2 make a final prioritization determination under
3 section 6(b)(1) of the Toxic Substances Control
4 Act (15 U.S.C. 2605(b)(1)) relating to—

5 (i) styrene (including polystyrene);

6 and

7 (ii) vinyl chloride (including polyvinyl
8 chloride).

9 (B) OTHER CHEMICALS OR MIXTURES.—

10 With respect to any chemical substances or
11 mixtures (as those terms are defined in section
12 3 of the Toxic Substances Control Act (15
13 U.S.C. 2602)) not described in subparagraph
14 (A) and identified in the assessment under
15 paragraph (2) as causing or contributing to po-
16 tential adverse public health impacts, the Ad-
17 ministrators shall—

18 (i) include those chemical substances
19 or mixtures in any subsequently published
20 inventory; and

21 (ii) specify applicable timetables for
22 action as part of the inventory in accord-
23 ance with clause (vii) or (viii) of paragraph
24 (11) of section 8(b) of the Toxic Sub-
25 stances Control Act (15 U.S.C. 2607(b)).

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 (A) IN GENERAL.—There are authorized to
3 be appropriated to the Administrator such sums
4 as are necessary to carry out this subsection
5 and the amendments made by this subsection.

6 (B) MAINTENANCE OF FUNDING.—The
7 funding provided under this paragraph shall
8 supplement, not supplant, other Federal fund-
9 ing to carry out the Toxic Substances Control
10 Act (15 U.S.C. 2601 et seq.).

11 (g) HAZARDOUS WASTE.—Not later than 180 days
12 after the date of enactment of this Act, the Administrator
13 shall initiate a rulemaking to list discarded polyvinyl chlo-
14 ride as a hazardous waste under the Solid Waste Disposal
15 Act (42 U.S.C. 6901 et seq.).

16 (h) CUMULATIVE IMPACT REQUIREMENTS FOR COV-
17 ERED FACILITIES.—

18 (1) FEDERAL WATER POLLUTION CONTROL
19 ACT.—Section 402 of the Federal Water Pollution
20 Control Act (33 U.S.C. 1342) is amended—

21 (A) by striking the section designation and
22 heading and all that follows through “Except
23 as” in subsection (a)(1) and inserting the fol-
24 lowing:

1 **“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMI-**
2 **NATION SYSTEM.**

3 “(a) PERMITS ISSUED BY ADMINISTRATOR.—

4 “(1) IN GENERAL.—Except as”;

5 (B) in subsection (a)—

6 (i) in paragraph (1)—

7 (I) by striking “upon condition

8 that such discharge will meet either

9 (A) all” and inserting the following:

10 “subject to the conditions that—

11 “(A) the discharge will achieve compliance

12 with—

13 “(i) all”;

14 (II) by striking “403 of this Act,

15 or (B) prior” and inserting the fol-

16 lowing: “403; or

17 “(ii) prior”; and

18 (III) by striking “this Act.” and

19 inserting the following: “this Act; and

20 “(B) as applicable, with respect to the

21 issuance or renewal of the permit to a covered

22 facility (as defined in section 3 of the Pro-

23 tecting Communities from Plastics Act of

24 2024)—

25 “(i) based on an analysis by the Ad-

26 ministrator of existing water quality and

1 the potential cumulative impacts (as de-
2 fined in section 501 of the Clean Air Act
3 (42 U.S.C. 7661)) of the discharge from
4 the covered facility (as so defined), consid-
5 ered in conjunction with the designated
6 and actual uses of the impacted navigable
7 water, there exists a reasonable certainty
8 of no harm to the health of the general
9 population, or to any potentially exposed or
10 susceptible subpopulation; or

11 “(ii) if the Administrator determines
12 that, due to those potential cumulative im-
13 pacts, there does not exist a reasonable
14 certainty of no harm to the health of the
15 general population, or to any potentially
16 exposed or susceptible subpopulation, the
17 permit or renewal includes such terms and
18 conditions as the Administrator determines
19 to be necessary to ensure a reasonable cer-
20 tainty of no harm.”; and

21 (ii) in paragraph (2), by striking “as-
22 sure compliance with the requirements of
23 paragraph (1) of this subsection, including
24 conditions on data and information collec-
25 tion, reporting, and such other require-

1 ments as he deems appropriate.” and in-
2 serting the following: “ensure compliance
3 with the requirements of paragraph (1), in-
4 cluding—

5 “(A) conditions relating to—

6 “(i) data and information collection;

7 “(ii) reporting; and

8 “(iii) such other requirements as the
9 Administrator determines to be appro-
10 priate; and

11 “(B) with respect to covered facilities (as
12 defined in section 3 of the Protecting Commu-
13 nities from Plastics Act of 2024) additional
14 controls or pollution prevention requirements.”;
15 and

16 (C) in subsection (b)—

17 (i) in each of paragraphs (1)(D),
18 (2)(B), and (3) through (7), by striking
19 the semicolon at the end and inserting a
20 period;

21 (ii) in paragraph (8), by striking “;
22 and” at the end and inserting a period;
23 and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(10) To ensure that no permit will be issued
2 to or renewed for a covered facility (as defined in
3 section 3 of the Protecting Communities from Plas-
4 tics Act of 2024) if, with respect to an application
5 for the permit, the State determines, based on an
6 analysis by the State of existing water quality and
7 the potential cumulative impacts (as defined in sec-
8 tion 501 of the Clean Air Act (42 U.S.C. 7661)) of
9 the discharge from the covered facility (as so de-
10 fined), considered in conjunction with the designated
11 and actual uses of the impacted navigable water,
12 that the terms and conditions of the permit or re-
13 newal would not be sufficient to ensure a reasonable
14 certainty of no harm to the health of the general
15 population, or to any potentially exposed or suscep-
16 tible subpopulation.”.

17 (2) CLEAN AIR ACT.—

18 (A) DEFINITIONS.—Section 501 of the
19 Clean Air Act (42 U.S.C. 7661) is amended—

20 (i) in the matter preceding paragraph
21 (1), by striking “As used in this title—”
22 and inserting “In this title:”;

23 (ii) by redesignating paragraphs (2),
24 (3), and (4) as paragraphs (3), (5), and
25 (4), respectively, and moving the para-

1 graphs so as to appear in numerical order;

2 and

3 (iii) by inserting after paragraph (1)

4 the following:

5 “(2) CUMULATIVE IMPACTS.—The term ‘cumulative impacts’ means any exposure, public health or
6 environmental risk, or other effect occurring in a
7 specific geographical area, including from an emis-
8 sion or release—

9 “(A) including—

10 “(i) environmental pollution re-
11 leased—

12 “(I) routinely;

13 “(II) accidentally; or

14 “(III) otherwise; and

15 “(ii) as assessed based on the com-
16 bined past, present, and reasonably fore-
17 seeable emissions and discharges affecting
18 the geographical area, considering condi-
19 tions in existence on the date of the assess-
20 ment and the foreseeable impacts of cli-
21 mate change, including physical climate
22 risks (as defined in section 3 of the Pro-
23 tecting Communities from Plastics Act of
24 2024); and
25

1 “(B) evaluated taking into account sen-
2 sitive populations and socioeconomic factors,
3 where applicable.”.

4 (B) PERMIT PROGRAMS.—Section 502(b)
5 of the Clean Air Act (42 U.S.C. 7661a(b)) is
6 amended—

7 (i) in paragraph (5)—

8 (I) in subparagraphs (A) and
9 (C), by striking “assure” each place it
10 appears and inserting “ensure”; and

11 (II) by striking subparagraph (F)

12 and inserting the following:

13 “(F) ensure that no permit will be issued
14 to or renewed for a covered facility (as defined
15 in section 3 of the Protecting Communities
16 from Plastics Act of 2024), as applicable, if—

17 “(i) with respect to an application for
18 a permit or renewal of a permit for a
19 major source that is a covered facility (as
20 so defined), the permitting authority deter-
21 mines under paragraph
22 (9)(C)(ii)(I)(bb)(BB) that the terms and
23 conditions of the permit or renewal would
24 not be sufficient to ensure a reasonable
25 certainty of no harm to the health of the

1 general population, or to any potentially
2 exposed or susceptible subpopulation, of
3 the applicable census tracts or Tribal cen-
4 sus tracts (as those terms are defined by
5 the Director of the Bureau of the Census);
6 or

7 “(ii) the Administrator objects to the
8 issuance of the permit in a timely manner
9 under this title.”; and

10 (ii) in paragraph (9)—

11 (I) in the fourth sentence, by
12 striking “Such permit revision” and
13 inserting the following:

14 “(iii) TREATMENT AS RENEWAL.—A
15 permit revision under this paragraph”;

16 (II) in the third sentence, by
17 striking “No such revision shall” and
18 inserting the following:

19 “(ii) EXCEPTION.—A revision under
20 this paragraph shall not”;

21 (III) in the second sentence, by
22 striking “Such revisions” and insert-
23 ing the following:

24 “(B) REVISION REQUIREMENTS.—

1 “(i) DEADLINE.—A revision described
2 in subparagraph (A) or (C)”;

3 (IV) by striking “(9) A require-
4 ment” and inserting the following:

5 “(9) MAJOR SOURCES.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (C), a requirement that”;

8 (V) by adding at the end the fol-
9 lowing:

10 “(C) CERTAIN PLASTICS FACILITIES.—

11 “(i) DEFINITION OF COVERED FACIL-
12 ITY.—In this subparagraph, the term ‘cov-
13 ered facility’ has the meaning given the
14 term in section 3 of the Protecting Com-
15 munities from Plastics Act of 2024.

16 “(ii) ADDITIONAL REQUIREMENTS.—

17 With respect to any permit or renewal of
18 a permit, as applicable, for a major source
19 that is a covered facility, the permitting
20 authority, in determining whether to issue
21 or renew the permit, shall—

22 “(I) evaluate the potential cumu-
23 lative impacts of the proposed covered
24 facility, as described in the applicable

1 cumulative impacts analysis submitted
2 under section 503(b)(3);

3 “(II) if, due to those potential
4 cumulative impacts, the permitting
5 authority cannot determine that there
6 exists a reasonable certainty of no
7 harm to the health of the general pop-
8 ulation, or to any potentially exposed
9 or susceptible subpopulation, of any
10 census tracts or Tribal census tracts
11 (as those terms are defined by the Di-
12 rector of the Bureau of the Census)
13 located in, or immediately adjacent to,
14 the area in which the covered facility
15 is, or is proposed to be, located—

16 “(aa) include in the permit
17 or renewal such terms and condi-
18 tions (including additional con-
19 trols or pollution prevention re-
20 quirements) as the permitting
21 authority determines to be nec-
22 essary to ensure a reasonable cer-
23 tainty of no harm; or

24 “(bb) if the permitting au-
25 thority determines that terms

1 and conditions described in item
2 (aa) would not be sufficient to
3 ensure a reasonable certainty of
4 no harm, deny the issuance or re-
5 newal of the permit;

6 “(III) determine whether the ap-
7 plicant is a persistent violator, based
8 on such criteria relating to the history
9 of compliance by an applicant with
10 this Act as the Administrator shall es-
11 tablish by not later than 180 days
12 after the date of enactment of the
13 Protecting Communities from Plastics
14 Act of 2024;

15 “(IV) if the permitting authority
16 determines under subclause (III) that
17 the applicant is a persistent violator
18 and the permitting authority does not
19 deny the issuance or renewal of the
20 permit pursuant to subclause
21 (V)(bb)—

22 “(aa) require the applicant
23 to submit a redemption plan that
24 describes, if the applicant is not
25 in compliance with this Act,

1 measures the applicant will carry
2 out to achieve that compliance,
3 together with an approximate
4 deadline for that achievement,
5 measures the applicant will carry
6 out, or has carried out to ensure
7 the applicant will remain in com-
8 pliance with this Act, and to
9 mitigate the environmental and
10 health effects of noncompliance,
11 and the measures the applicant
12 has carried out in preparing the
13 redemption plan to consult or ne-
14 gotiate with the communities af-
15 fected by each persistent viola-
16 tion addressed in the plan; and

17 “(bb) once such a redemp-
18 tion plan is submitted, determine
19 whether the plan is adequate to
20 ensuring that the applicant will
21 achieve compliance with this Act
22 expeditiously, will remain in com-
23 pliance with this Act, will miti-
24 gate the environmental and
25 health effects of noncompliance,

1 and has solicited and responded
2 to community input regarding
3 the redemption plan; and

4 “(V) deny the issuance or re-
5 newal of the permit if the permitting
6 authority determines that—

7 “(aa) the redemption plan
8 submitted under subclause
9 (IV)(aa) is inadequate; or

10 “(bb)(AA) the applicant has
11 submitted a redemption plan on
12 a prior occasion, but continues to
13 be a persistent violator; and

14 “(BB) no indication of ex-
15 tremely exigent circumstances ex-
16 cusing the persistent violations
17 exists.”.

18 (C) PERMIT APPLICATIONS.—Section
19 503(b) of the Clean Air Act (42 U.S.C.
20 7661b(b)) is amended by adding at the end the
21 following:

22 “(3) ANALYSES FOR CERTAIN PLASTICS FACILI-
23 TIES.—The regulations required by section 502(b)
24 shall include a requirement that an applicant for a
25 permit or renewal of a permit for a major source

1 that is a covered facility (as defined in section 3 of
2 the Protecting Communities from Plastics Act of
3 2024) shall submit, together with the compliance
4 plan required under this subsection, a cumulative
5 impacts analysis for each census block tract or Trib-
6 al census block tract (as those terms are defined by
7 the Director of the Bureau of the Census) located
8 within 10 kilometers of, or immediately adjacent to,
9 the area in which the major source that is a covered
10 source (as so defined) is, or is proposed to be, lo-
11 cated that analyzes—

12 “(A) community demographics and loca-
13 tions of community exposure points, such as
14 residences, schools, day care centers, nursing
15 homes, hospitals, health clinics, places of reli-
16 gious worship, parks, playgrounds, and commu-
17 nity centers;

18 “(B) air quality (including with respect to
19 hazardous air pollutants and criteria pollutants)
20 and the potential effect on that air quality of
21 emissions of air pollutants (including pollutants
22 listed under section 108 or 112) from the pro-
23 posed covered facility (as so defined), including
24 in combination with existing sources of pollut-
25 ants;

1 “(C) the potential effects on soil quality,
2 water quality, and fish and game of emissions
3 of air and water pollutants that could contami-
4 nate soil or water from the proposed major
5 source, including in combination with existing
6 sources of pollutants; and

7 “(D) public health and any potential ef-
8 fects on public health of the proposed covered
9 facility (as so defined).”.

10 (i) FINANCIAL ASSURANCE REQUIREMENTS FOR
11 COVERED FACILITIES.—

12 (1) IN GENERAL.—Not later than 2 years after
13 the date of enactment of this Act, the Administrator
14 shall develop and require as a condition to receiving
15 a permit under the Clean Air Act (42 U.S.C. 7401
16 et seq.) or the Federal Water Pollution Control Act
17 (33 U.S.C. 1251 et seq.) financial assurance require-
18 ments for new covered facilities that demonstrate
19 the presence of sufficient financial resources—

20 (A) to safely close the covered facility at
21 the end of the operational life of the covered fa-
22 cility; or

23 (B) to provide appropriate emergency re-
24 sponse in the case of an accidental release.

1 (2) APPLICATION TO EXISTING COVERED FA-
 2 CILITIES.—The financial assurance requirements
 3 under paragraph (1) shall apply to existing covered
 4 facilities at the time at which an existing covered fa-
 5 cility seeks renewal of a permit under the Clean Air
 6 Act (42 U.S.C. 7401 et seq.) or the Federal Water
 7 Pollution Control Act (33 U.S.C. 1251 et seq.), as
 8 applicable.

9 (j) SITING RESTRICTIONS FOR NEW COVERED FA-
 10 CILITIES.—The issuance or approval of a permit under the
 11 Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal
 12 Water Pollution Control Act (33 U.S.C. 1251 et seq.) for
 13 a new covered facility, or for the expansion of an existing
 14 covered facility, shall be prohibited within 5 miles of a
 15 community building or area, including a school, a resi-
 16 dence, a daycare center, a nursing home, a hospital, a
 17 health clinic, a place of religious worship, a park, a play-
 18 ground, and a community center.

19 **SEC. 5. FEDERAL SOURCE REDUCTION AND REUSE TAR-**
 20 **GETS.**

21 (a) DEFINITION OF SOURCE REDUCTION.—

22 (1) IN GENERAL.—In this section, the term
 23 “source reduction” means the reduction in the quan-
 24 tity of single-use plastic packaging and food service
 25 product created by producers relative to the baseline

1 established pursuant to subsection (b)(1) by methods
2 that may include—

3 (A) shifting to reusable or refillable pack-
4 aging or food service product systems; or

5 (B) eliminating unnecessary packaging.

6 (2) EXCLUSIONS.—In this section, the term
7 “source reduction” does not include—

8 (A) replacing a recyclable or compostable
9 single-use plastic packaging or food service
10 product with—

11 (i) a nonrecyclable or noncompostable
12 single-use plastic packaging or food service
13 product; or

14 (ii) a single-use plastic packaging or
15 food service product that is less likely to be
16 recycled or composted; or

17 (B) switching from virgin single-use plastic
18 packaging or food service product to plastic
19 postconsumer recycled content.

20 (b) FEDERAL SOURCE REDUCTION TARGETS.—

21 (1) BASELINE.—Not later than December 31,
22 2027, the Administrator shall promulgate regula-
23 tions to establish a baseline quantity, by total weight
24 and total number of items, of all single-use plastic
25 packaging and food service product produced, sold,

1 offered for sale, imported, or distributed in the
2 United States during calendar year 2026.

3 (2) REDUCTION TARGETS.—

4 (A) IN GENERAL.—Not later than Decem-
5 ber 31, 2029, the Administrator shall promul-
6 gate regulations to establish phased source re-
7 duction targets for all single-use plastic pack-
8 aging and food service product produced, sold,
9 offered for sale, imported, or distributed in the
10 United States, which shall be organized by
11 product category.

12 (B) MINIMUM.—The phased source reduc-
13 tion targets established under subparagraph (A)
14 shall include a source reduction target of not
15 less than 25 percent by 2034.

16 (c) FEDERAL REUSE AND REFILL TARGETS.—

17 (1) IN GENERAL.—Not later than December 31,
18 2027, the Administrator shall promulgate regula-
19 tions to establish phased reuse and refill targets for
20 all plastic packaging and food service product pro-
21 duced, sold, offered for sale, imported, or distributed
22 in the United States.

23 (2) MINIMUM.—The phased reuse and refill tar-
24 gets established under paragraph (1) shall include

1 reuse and refill targets of not less than 30 percent
2 by 2034.

3 (d) EXCLUSION.—Nothing in this section applies to
4 any single-use plastic used for—

5 (1) medical equipment, supplements, medical
6 devices, consumer personal protective equipment, or
7 other products determined by the Secretary of
8 Health and Human Services to necessarily be made
9 of plastic for the protection of public health or for
10 people with disabilities;

11 (2) packaging that is—

12 (A) for any product described in paragraph
13 (1) that is determined by the Secretary of
14 Health and Human Services to necessarily be
15 made of plastic for the protection of public
16 health or for people with disabilities; or

17 (B) used for the shipment of hazardous
18 materials that is prohibited from being com-
19 posed of used materials under section 178.509
20 or 178.522 of title 49, Code of Federal Regula-
21 tions (as in effect on the date of enactment of
22 this Act); or

23 (3) a personal hygiene product that, due to the
24 intended use of the product, could become unsafe or
25 unsanitary to recycle, such as a diaper.

1 **SEC. 6. ADVANCING REFILLABLE AND REUSABLE SYSTEMS.**

2 (a) GRANT PROGRAM TO SUPPORT EQUITY AND IN-
3 NOVATION IN REFILLABLE AND REUSABLE PACK-
4 AGING.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Administrator
7 shall establish a competitive grant program (referred
8 to in this subsection as the “program”) to provide
9 grants to eligible entities described in paragraph (3)
10 to carry out scalable reuse and refill projects in ac-
11 cordance with this subsection.

12 (2) OBJECTIVES.—To be eligible for a grant
13 under the program, a reuse and refill project shall
14 evaluate the efficacy and cost-effectiveness of tools,
15 technologies, and techniques for 1 or more of the fol-
16 lowing objectives:

17 (A) Expanding reuse and refill programs
18 to replace single-use plastics currently used in
19 consumer goods industries, including replace-
20 ment with food service and consumer food and
21 beverage products that—

22 (i) are affordable, convenient, scalable,
23 nontoxic, and equitable; and

24 (ii) satisfy the requirements described
25 in section 3(20)(A).

1 (B) Expanding consumer knowledge of
2 reuse and refill programs, including through the
3 development of accessible educational and out-
4 reach programs and materials.

5 (C) Installing and expanding access to
6 publicly available water bottle refilling stations.

7 (D) Installing and expanding access to
8 sanitation infrastructure in public or commu-
9 nity buildings to enable safe and hygienic reuse,
10 including dishwashers and sanitation stations.

11 (3) ELIGIBLE ENTITIES.—To be eligible to re-
12 ceive a grant under the program, an entity shall
13 be—

14 (A) an educational institution, including an
15 institution of higher education;

16 (B) a nonprofit or community-based orga-
17 nization;

18 (C) a State, local, or Tribal government;

19 (D) a for-profit restaurant, business, or
20 other organization; or

21 (E) a public-private partnership.

22 (4) NONTOXIC REQUIREMENTS.—Materials
23 used as part of a reuse and refill project under the
24 program shall not contain—

1 (A) toxic heavy metals, pathogens, or addi-
2 tives, including—

3 (i) a perfluoroalkyl or polyfluoroalkyl
4 substance;

5 (ii) an ortho-phthalate;

6 (iii) a bisphenol compound (not in-
7 cluding an alkyl-substituted bisphenol com-
8 pound generated through a xylenol-
9 aldehyde process); or

10 (iv) a halogenated flame retardant; or

11 (B) chemical substances designated as
12 high-priority substances under section 6(b)(1)
13 of the Toxic Substances Control Act (15 U.S.C.
14 2605(b)(1)), including the chemicals or mix-
15 tures of chemicals described in section 4(f)(3).

16 (5) PRIORITIES.—In awarding grants under the
17 program, the Administrator shall—

18 (A) give priority to projects that will di-
19 rectly benefit populations of color, communities
20 of color, indigenous communities, rural commu-
21 nities, and low-income communities;

22 (B) give priority to a project that achieves
23 more than 1 of the objectives described in para-
24 graph (2); and

1 (C) ensure that a grant is provided to
2 carry out a project in each region of the Envi-
3 ronmental Protection Agency.

4 (6) PRIZE COMPETITION.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the first round of grants is awarded under
7 the program, the Administrator shall establish
8 a prize competition under which the Adminis-
9 trator shall—

10 (i) evaluate the projects carried out by
11 each recipient of a grant under the pro-
12 gram; and

13 (ii) award a prize to 1 of those recipi-
14 ents.

15 (B) AMOUNT.—The Administrator shall
16 determine the amount of the prize under this
17 paragraph.

18 (C) USE.—The recipient of the prize under
19 this paragraph shall use the amount of the
20 prize to demonstrate that the reuse or refill
21 project carried out by the recipient under the
22 program—

23 (i) is scalable;

24 (ii) serves the community in which the
25 program is carried out; and

1 (iii) is implemented in a sustainable
2 and equitable manner.

3 (7) REPORT.—Not later than 3 years after the
4 date on which the Administrator establishes the pro-
5 gram, the Administrator shall submit to Congress a
6 report describing the effectiveness of the projects
7 carried out under the program.

8 (8) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated such sums
10 as are necessary to carry out the program.

11 (b) REPORT ON REUSE AND REFILL PRODUCT DE-
12 LIVERY SYSTEMS.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, and every 5 years
15 thereafter, the Administrator shall make publicly
16 available a report on feasibility and best practices
17 relating to reuse and refill within the following sec-
18 tors:

19 (A) Food service, including—

20 (i) take out;

21 (ii) delivery of prepared meals; and

22 (iii) meal kits.

23 (B) Consumer food and beverage products.

24 (C) Consumer cleaning products.

25 (D) Consumer personal care products.

1 (E) Transportation or shipping of whole-
2 sale and retail goods.

3 (F) Public educational institutions, includ-
4 ing institutions of higher education.

5 (G) Other sectors, as identified by the Ad-
6 ministrator.

7 (2) OBJECTIVES.—The report under paragraph
8 (1) shall evaluate and summarize—

9 (A) types of reuse and refill product deliv-
10 ery systems that can be best used at different
11 scales;

12 (B) methods to ensure equitable distribu-
13 tion of reuse and refill product delivery systems
14 in populations of color, communities of color,
15 indigenous communities, and low-income com-
16 munities;

17 (C) job creation opportunities through the
18 use or expansion of reuse and refill systems;

19 (D) economic costs and benefits for—

20 (i) the businesses that deploy reuse
21 and refill technologies; and

22 (ii) the parties responsible for waste
23 collection and management;

1 (E) types of local, State, and Federal sup-
2 port needed to expand the use of reuse and re-
3 fill systems; and

4 (F) existing barriers to widespread imple-
5 mentation of reuse and refill systems.

6 (3) CONSIDERATION.—In preparing the report
7 under paragraph (1), the Administrator shall con-
8 sider relevant information on reuse and refill pro-
9 grams and approaches in States, units of local gov-
10 ernment, and other countries.

11 **SEC. 7. STUDIES; AGENCY DIRECTIVES.**

12 (a) DEFINITION OF MICROPLASTIC.—In this section,
13 the term “microplastic” means a plastic or plastic-coated
14 particle that is less than 5 millimeters in any dimension.

15 (b) NATIONAL RECYCLING STRATEGY LIMITATION.—
16 The Administrator shall not expand the scope of the Na-
17 tional Recycling Strategy of the Environmental Protection
18 Agency to include facilities that treat plastic waste
19 through the use of pyrolysis, gasification, or similar chem-
20 ical recycling technologies.

21 (c) FOOD AND DRUG ADMINISTRATION STUDY.—

22 (1) IN GENERAL.—The Commissioner of Food
23 and Drugs, in consultation with the Secretary of Ag-
24 riculture and the heads of other necessary Federal
25 departments and agencies, such as the Director of

1 the National Institute of Standards and Technology,
2 shall conduct a nationwide study on the presence
3 and sources of microplastics in food (including
4 drink) products, including food products containing
5 fish, meat, fruits, or vegetables.

6 (2) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Commissioner of
8 Food and Drugs shall submit to Congress, and make
9 publicly available, a report describing the results of
10 the study under this subsection.

11 (3) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated such sums
13 as are necessary to carry out this subsection.

14 (d) MICROPLASTICS PILOT PROGRAM.—

15 (1) ESTABLISHMENT.—The Administrator shall
16 establish a pilot program (referred to in this sub-
17 section as the “pilot program”) to test the efficacy
18 and cost-effectiveness of tools, technologies, and
19 techniques—

20 (A) to remove microplastics from the envi-
21 ronment without causing additional harm to the
22 environment; and

23 (B) to prevent the release of microplastics
24 into the environment.

1 (2) REQUIREMENTS.—In carrying out the pilot
2 program, the Administrator shall include testing of,
3 and an analysis and mitigation of any environmental
4 impacts on—

5 (A) natural infrastructure;

6 (B) green infrastructure (as defined in sec-
7 tion 502 of the Federal Water Pollution Control
8 Act (33 U.S.C. 1362)); and

9 (C) mechanical removal systems (such as
10 pumps) and filtration technologies, including
11 consideration of potential negative ecological
12 impacts that may result from filtration in nat-
13 ural waterways and ocean waters.

14 (3) ELIGIBLE LOCATIONS.—The Administrator
15 may carry out under the pilot program projects lo-
16 cated in—

17 (A) stormwater systems;

18 (B) wastewater treatment facilities;

19 (C) drinking water systems;

20 (D) ports, harbors, inland waterways, estu-
21 aries, and marine environments; and

22 (E) roadways, highways, and other streets
23 used for vehicular travel.

1 (4) OUTREACH.—In determining selection cri-
2 teria and projects to carry out under the pilot pro-
3 gram, the Administrator shall conduct outreach to—

4 (A) the Interagency Marine Debris Coordi-
5 nating Committee established by section 5(a) of
6 the Marine Debris Act (33 U.S.C. 1954(a));
7 and

8 (B) stakeholders and experts in the appli-
9 cable field, as determined by the Administrator.

10 (5) REPORTS.—

11 (A) OUTREACH ACTIVITIES.—Not later
12 than 180 days after the date of enactment of
13 this Act, the Administrator shall submit to Con-
14 gress a report describing the outreach con-
15 ducted under paragraph (4).

16 (B) PROJECT EFFECTIVENESS.—Not later
17 than 3 years after the date on which the Ad-
18 ministrator establishes the pilot program, the
19 Administrator shall submit to Congress a report
20 describing the effectiveness of projects carried
21 out under the pilot program.

22 (6) RULEMAKING REQUIRED.—Not later than 1
23 year after the date on which the Administrator sub-
24 mits to Congress the report required under para-
25 graph (5)(B), the Administrator shall initiate a rule-

1 making to address abatement and mitigation of
2 microplastics in the locations described in paragraph
3 (3) using technologies and methods tested under the
4 pilot program.

5 (7) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated such sums
7 as are necessary to carry out this subsection.

8 (e) NATIONAL INSTITUTES OF HEALTH RE-
9 SEARCH.—

10 (1) IN GENERAL.—The Director of the National
11 Institutes of Health shall conduct or support re-
12 search on the presence of microplastics in the
13 human body, which may include determining how
14 the presence of microplastics in organs and biospeci-
15 mens, including urine, breastmilk, and stool, impacts
16 human health.

17 (2) REPORT.—Not later than 1 year after the
18 date of enactment of this Act, and annually for each
19 of the 4 years thereafter, the Director of the Na-
20 tional Institutes of Health shall submit to Congress,
21 and make publicly available, a report that provides
22 an overview of the research conducted or supported
23 under this subsection, together with any relevant
24 findings.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated such sums

3 as are necessary to carry out this subsection.

4 **SEC. 8. REDUCING SINGLE-USE PLASTICS IN AGRICULTURE.**
 5 **CULTURE.**

6 (a) BIODEGRADABLE WEED BARRIERS PRACTICES
 7 UNDER THE ENVIRONMENTAL QUALITY INCENTIVES
 8 PROGRAM.—The Secretary of Agriculture shall designate
 9 a project to replace the use of on-farm plastic weed bar-
 10 riers and weed mitigants with nonplastic, biodegradable
 11 alternatives as an agricultural conservation practice or en-
 12 hancement that meets the requirement described in sec-
 13 tion 21001(a)(1)(B)(iii) of Public Law 117–169 (136
 14 Stat. 2016) (commonly known as the “Inflation Reduction
 15 Act of 2022”).

16 (b) SINGLE-USE PLASTIC FARM PRODUCT PACK-
 17 AGING REDUCTION GRANTS.—Section 210A of the Agri-
 18 cultural Marketing Act of 1946 (7 U.S.C. 1627c) is
 19 amended—

20 (1) in subsection (b)—

21 (A) in paragraph (5), by striking “and” at
 22 the end;

23 (B) by redesignating paragraph (6) as
 24 paragraph (7); and

1 (C) by inserting after paragraph (5) the
2 following:

3 “(6) supports the reduction of single-use plas-
4 tics from the post-production distribution packaging
5 of agricultural producers; and”;

6 (2) by redesignating subsections (f) through (i)
7 as subsections (g) through (j), respectively;

8 (3) in paragraph (1) of subsection (i) (as so re-
9 designated), in the matter preceding subparagraph
10 (A), by striking “subsection (i)(3)(E)” and inserting
11 “subsection (j)(3)(E)”;

12 (4) by striking “subsection (i)” each place it
13 appears and inserting “subsection (j)”;

14 (5) by inserting after subsection (e) the fol-
15 lowing:

16 “(f) SINGLE-USE PLASTIC FARM PRODUCT PACK-
17 AGING REDUCTION GRANTS.—

18 “(1) IN GENERAL.—The Secretary, acting
19 through the Administrator of the Agricultural Mar-
20 keting Service and in coordination with the Adminis-
21 trator of the Rural Business-Cooperative Service,
22 shall provide grants to eligible entities described in
23 paragraph (2) to significantly reduce or eliminate
24 single-use plastics from the post-production distribu-
25 tion packaging of the entities.

1 “(2) ELIGIBLE ENTITIES.—An entity shall be
2 eligible for a grant under paragraph (1) if the entity
3 is—

4 “(A) an independent producer, as deter-
5 mined by the Secretary, of a value-added agri-
6 cultural product; or

7 “(B) an agricultural producer group, farm-
8 er or rancher cooperative, or majority-controlled
9 producer-based business venture, as determined
10 by the Secretary.

11 “(3) GRANT AMOUNT.—The amount of a grant
12 provided under paragraph (1) shall be not more than
13 \$250,000.

14 “(4) TERM.—The term of a grant provided
15 under paragraph (1) shall be 3 years.

16 “(5) PRIORITY.—In providing grants under
17 paragraph (1), the Secretary shall give priority to—

18 “(A) beginning farmers or ranchers;

19 “(B) veteran farmers or ranchers;

20 “(C) organic and regenerative farmers; and

21 “(D) socially disadvantaged farmers or
22 ranchers.

23 “(6) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to carry out

- 1 this subsection \$25,000,000 for each of fiscal years
- 2 2025 through 2034.”.

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