

117TH CONGRESS  
1ST SESSION

# S. 984

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

Mr. MERKLEY (for himself, Mr. BOOKER, Mr. DURBIN, Mr. MARKEY, Mr. WYDEN, Mr. BLUMENTHAL, Mr. LEAHY, Mrs. GILLIBRAND, Ms. WARREN, Mr. SANDERS, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Break Free From  
3 Plastic Pollution Act of 2021”.

4 **SEC. 2. PRODUCER RESPONSIBILITY FOR PRODUCTS AND**  
5 **PACKAGING.**

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

9 **“Subtitle K—Producer Responsi-**  
10 **bility for Products and Pack-**  
11 **aging**

12 **“SEC. 12001. DEFINITIONS.**

13 “In this subtitle:

14 “(1) ADVISORY COMMITTEE.—The term ‘advi-  
15 sory committee’ means an advisory committee estab-  
16 lished by an Organization under section 12102(c).

17 “(2) BEVERAGE.—

18 “(A) IN GENERAL.—The term ‘beverage’  
19 means any drinkable liquid intended for human  
20 oral consumption, including—

21 “(i) water;

22 “(ii) flavored water;

23 “(iii) soda water;

24 “(iv) mineral water;

25 “(v) beer;

26 “(vi) a malt beverage;

1 “(vii) a carbonated soft drink;

2 “(viii) liquor;

3 “(ix) tea;

4 “(x) coffee;

5 “(xi) hard cider;

6 “(xii) fruit juice;

7 “(xiii) an energy or sports drink;

8 “(xiv) coconut water;

9 “(xv) wine;

10 “(xvi) a yogurt drink;

11 “(xvii) a probiotic drink;

12 “(xviii) a wine cooler; and

13 “(xix) any other beverage determined  
14 to be appropriate by the Administrator.

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

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

20 “(ii) infant formula; or

21 “(iii) a meal replacement liquid.

22 “(3) BEVERAGE CONTAINER.—

23 “(A) IN GENERAL.—The term ‘beverage  
24 container’ means a prepackaged beverage con-  
25 tainer—

1                   “(i) made of any material, including  
2                   glass, plastic, metal, and multimaterial;  
3                   and

4                   “(ii) the volume of which is not more  
5                   than 3 liters.

6                   “(B) EXCLUSION.—The term ‘beverage  
7                   container’ does not include a covered product of  
8                   any material used to sell a prepackaged bev-  
9                   erage, such as—

10                   “(i) a carton;

11                   “(ii) a pouch; or

12                   “(iii) aseptic packaging, such as a  
13                   drink box.

14                   “(C) INCLUSION.—Notwithstanding sub-  
15                   paragraphs (A) and (B), for purposes of the  
16                   program under section 12104, the term ‘bev-  
17                   erage container’ includes a container for a bev-  
18                   erage that is not described in those subpara-  
19                   graphs, such as a carton, pouch, or drink box,  
20                   the responsible party for which elects to partici-  
21                   pate in the program under that section.

22                   “(4) COMPOSTABLE.—

23                   “(A) IN GENERAL.—Subject to subpara-  
24                   graph (B), the term ‘compostable’ means, with

1           respect to a covered product, that the covered  
2           product—

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

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

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

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

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

18                          “(iii) comprises only—

19                                  “(I) wood without any—

20    “(aa) coatings;

21    “(bb) additives; or

22    “(cc) effective beginning on  
23                                  February 1, 2023, toxic sub-  
24                                  stances; or

25                                  “(II) natural fiber without any—

1 “(aa) coatings;  
2 “(bb) additives; or  
3 “(cc) effective beginning on  
4 February 1, 2023, toxic sub-  
5 stances.

6 “(B) EXCLUSIONS.—The term  
7 ‘compostable’ shall not apply to—

8 “(i) paper; or

9 “(ii) effective beginning on February  
10 1, 2023, any covered product that contains  
11 a toxic substance.

12 “(5) COVERED PRODUCT.—

13 “(A) IN GENERAL.—The term ‘covered  
14 product’ means, regardless of recyclability,  
15 compostability, and material type—

16 “(i) packaging;

17 “(ii) a food service product;

18 “(iii) paper;

19 “(iv) a single-use product that is not  
20 subject to the prohibition under section  
21 12202(c); and

22 “(v) a container for a beverage that is  
23 not described in subparagraphs (A) and  
24 (B) of paragraph (3), such as a carton,  
25 pouch, or aseptic packaging, such as a

1           drink box, the responsible party for which  
 2           does not elect to participate in the pro-  
 3           gram under section 12104.

4           “(B) EXCLUSION.—The term ‘covered  
 5           product’ does not include a beverage container.

6           “(6) COVERED RETAIL OR SERVICE ESTABLISH-  
 7           MENT.—

8           “(A) IN GENERAL.—Subject to subpara-  
 9           graph (B), the term ‘covered retail or service  
 10          establishment’ means—

11                   “(i) any restaurant; or

12                   “(ii) any business that—

13                           “(I) sells food, alcohol, or any  
 14                           other good or product to the public at  
 15                           retail; or

16                           “(II) elects to comply with the  
 17                           requirements under, as applicable—

18                                   “(aa) section 12201; or

19                                   “(bb) section 12202.

20          “(B) EXCEPTION.—

21                   “(i) IN GENERAL.—The term ‘covered  
 22                   retail or service establishment’ does not in-  
 23                   clude any entity described in subparagraph  
 24                   (A) if the State, or any local government  
 25                   or political subdivision thereof, in which

1 that entity is located has been granted a  
2 waiver pursuant to clause (ii).

3 “(ii) WAIVER.—The Administrator  
4 shall prescribe regulations providing for  
5 the waiver of the application of section  
6 12201 or 12202 with respect to any State,  
7 or any local government or political sub-  
8 division thereof, that has enacted require-  
9 ments that are similar to the requirements  
10 imposed under that section.

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

15 “(A) a utensil;

16 “(B) a straw;

17 “(C) a drink cup;

18 “(D) a drink lid;

19 “(E) a food package;

20 “(F) a food container;

21 “(G) a plate;

22 “(H) a bowl;

23 “(I) a meat tray; and

24 “(J) a food wrap.



1           “(8) MICROFIBER.—The term ‘microfiber’  
2 means a particle that—

3                   “(A) has a fibrous shape;

4                   “(B) is less than 5 millimeters in any di-  
5 rection; and

6                   “(C) is released at any point during the  
7 full life cycle of a textile, including production,  
8 use, cleaning, recycling, and disposal.

9           “(9) ORGANIZATION.—The term ‘Organization’  
10 means a Producer Responsibility Organization estab-  
11 lished under section 12102(a)(1).

12           “(10) 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 part of a package or con-  
18 tainer, regardless of recyclability or  
19 compostability, that includes material that  
20 is used for the containment, protection,  
21 handling, delivery, and presentation of  
22 goods that are sold, offered for sale, or dis-  
23 tributed to consumers in the United  
24 States, including through an internet  
25 transaction.

1           “(B) INCLUSIONS.—The term ‘packaging’  
2 includes packaging described in subparagraph  
3 (A) that is—

4           “(i) intended for the consumer mar-  
5 ket;

6           “(ii) service packaging designed and  
7 intended to be used or filled at the point  
8 of sale, such as carry-out bags, bulk good  
9 bags, take-out bags, and home delivery  
10 food service packaging;

11           “(iii) secondary packaging used to  
12 group products for multiunit sale;

13           “(iv) tertiary packaging used for  
14 transportation or distribution directly to a  
15 consumer; and

16           “(v) ancillary elements hung or at-  
17 tached to a product and performing a  
18 packaging function.

19           “(C) EXCLUSION.—The term ‘packaging’  
20 does not include packaging described in sub-  
21 paragraph (A) that is—

22           “(i) used for the long-term protection  
23 or storage of a product; and

24           “(ii) with a life of not less than 5  
25 years.

1 “(11) PAPER.—

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

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

8 “(i) newsprint and inserts;

9 “(ii) magazines and catalogs;

10 “(iii) direct mail;

11 “(iv) office paper; and

12 “(v) telephone directories.

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

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

18 “(ii) a bound book.

19 “(12) PLAN.—The term ‘Plan’ means a Prod-  
20 uct Stewardship Plan described in section 12105.

21 “(13) PROGRAM.—The term ‘Program’ means a  
22 Product Stewardship Program established under sec-  
23 tion 12102(a)(2).

1           “(14) RECYCLABLE.—The term ‘recyclable’  
2 means, with respect to a covered product or beverage  
3 container, that—

4           “(A) the covered product or beverage con-  
5 tainer can be economically and technically recy-  
6 cled in current United States market condi-  
7 tions;

8           “(B) United States processing capacity is  
9 in operation to recycle, with the geographical  
10 distribution of the capacity aligned with the  
11 population of geographical regions of the  
12 United States, of the total quantity of the cov-  
13 ered product or beverage container—

14           “(i) for each of calendar years 2021  
15 through 2024, not less than 25 percent;

16           “(ii) for each of calendar years 2025  
17 through 2029, not less than 35 percent;

18           “(iii) for each of calendar years 2030  
19 through 2034, not less than 50 percent;  
20 and

21           “(iv) for calendar year 2035 and each  
22 calendar year thereafter, not less than 60  
23 percent;

24           “(C) the consumer that uses the covered  
25 product or beverage container is not required to

1 remove an attached component of the covered  
2 product or beverage container, such as a shrink  
3 sleeve, label, or filter, before the covered prod-  
4 uct or beverage container can be recycled; and

5 “(D) effective beginning on February 1,  
6 2023, the covered product or beverage container  
7 does not contain a toxic substance.

8 “(15) RECYCLE.—

9 “(A) IN GENERAL.—The term ‘recycle’  
10 means the series of activities by which a cov-  
11 ered product is—

12 “(i) collected, sorted, and processed;  
13 and

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

16 “(II) used in the production of a new  
17 product, including the original product; or

18 “(III) in the case of composting or or-  
19 ganic recycling, productively used for soil  
20 improvement.

21 “(B) EXCLUSION.—The term ‘recycle’ does  
22 not include—

23 “(i) the method of sorting, processing,  
24 and aggregating materials from solid waste  
25 that does not preserve the original material

1 quality, and, as a result, the aggregated  
2 material is no longer usable for its initial  
3 purpose or a substantially similar product  
4 and can only be used for inferior purposes  
5 or products (commonly referred to as  
6 ‘downcycling’);

7 “(ii) the use of waste—

8 “(I) as a fuel or fuel substitute;

9 “(II) for energy production;

10 “(III) for repurposing into infra-  
11 structure, including—

12 “(aa) pavement for streets  
13 or sidewalks;

14 “(bb) building materials;  
15 and

16 “(cc) other infrastructure  
17 projects, as determined by the  
18 Administrator;

19 “(IV) for alternate operating  
20 cover; or

21 “(V) within the footprint of a  
22 landfill; or

23 “(iii) the conversion of waste into al-  
24 ternative products, such as chemicals, feed-  
25 stocks, fuels, and energy, through—

- 1 “(I) incineration;
- 2 “(II) pyrolysis;
- 3 “(III) hydrolysis;
- 4 “(IV) methanolysis;
- 5 “(V) gasification; or
- 6 “(VI) a similar technology, as de-
- 7 termined by the Administrator.

8 “(16) RESPONSIBLE PARTY.—

9 “(A) BEVERAGE CONTAINERS.—

10 “(i) IN GENERAL.—With respect to a  
11 beverage sold in a beverage container, the  
12 term ‘responsible party’ means—

13 “(I) a person that engages in the  
14 distribution or sale of the beverage in  
15 a beverage container to a retailer in  
16 the United States, including any man-  
17 ufacturer that engages in that sale or  
18 distribution;

19 “(II) if subclause (I) does not  
20 apply, a person that engages in the  
21 sale of the beverage in a beverage con-  
22 tainer directly to a consumer in the  
23 United States; or

24 “(III) if subclauses (I) and (II)  
25 do not apply, a person that imports

1 the beverage sold in a beverage con-  
2 tainer into the United States for use  
3 in a commercial enterprise, sale, offer  
4 for sale, or distribution in the United  
5 States.

6 “(ii) RELATED DEFINITIONS.—In this  
7 subparagraph:

8 “(I) DISTRIBUTOR.—The term  
9 ‘distributor’ means a person that en-  
10 gages in the sale of beverages in bev-  
11 erage containers to a retailer in the  
12 United States.

13 “(II) MANUFACTURER.—The  
14 term ‘manufacturer’ means a person  
15 bottling, canning, or otherwise filling  
16 beverage containers for sale to dis-  
17 tributors, importers, or retailers.

18 “(III) RETAILER.—

19 “(aa) IN GENERAL.—The  
20 term ‘retailer’ means a person in  
21 the United States that—

22 “(AA) engages in the  
23 sale of beverages in beverage  
24 containers to a consumer; or



1                   “(BB) provides bev-  
2                   erages in beverage con-  
3                   tainers to a person in com-  
4                   merce, including provision  
5                   free of charge, such as at a  
6                   workplace or event.

7                   “(bb)        INCLUSION.—The  
8                   term ‘retailer’ includes a person  
9                   that engages in the sale of or  
10                  provides beverages in beverage  
11                  containers, as described in item  
12                  (aa), through a vending machine  
13                  or similar means.

14                  “(B) COVERED PRODUCTS.—With respect  
15                  to a covered product, the term ‘responsible  
16                  party’ means—

17                       “(i) a person that manufactures and  
18                       uses in a commercial enterprise, sells, of-  
19                       fers for sale, or distributes the covered  
20                       product in the United States under the  
21                       brand of the manufacturer;

22                       “(ii) if clause (i) does not apply, a  
23                       person that is not the manufacturer of the  
24                       covered product but is the owner or li-  
25                       censee of a trademark under which the

1 covered product is used in a commercial  
2 enterprise, sold, offered for sale, or distrib-  
3 uted in the United States, whether or not  
4 the trademark is registered; or

5 “(iii) if clauses (i) and (ii) do not  
6 apply, a person that imports the covered  
7 product into the United States for use in  
8 a commercial enterprise, sale, offer for  
9 sale, or distribution in the United States.

10 “(17) RESTAURANT.—

11 “(A) IN GENERAL.—The term ‘restaurant’  
12 means an establishment the primary business of  
13 which is the preparation of food or beverage—

14 “(i) for consumption by the public;

15 “(ii) in a form or quantity that is  
16 consumable immediately at the establish-  
17 ment, whether or not the food or beverage  
18 is consumed within the confines of the  
19 place where the food or beverage is pre-  
20 pared; or

21 “(iii) in a consumable form for con-  
22 sumption outside the place where the food  
23 or beverage is prepared.

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

1           “(18) REUSABLE.—The term ‘reusable’ means,  
2 with respect to a covered product or beverage con-  
3 tainer, that the covered product or beverage con-  
4 tainer is—

5           “(A) technically feasible to reuse or refill  
6 in United States market conditions; and

7           “(B) reusable or refillable for such number  
8 of cycles, but not less than 100 cycles, as the  
9 Administrator determines to be appropriate for  
10 the covered product or beverage container.

11           “(19) SINGLE-USE PRODUCT.—

12           “(A) IN GENERAL.—The term ‘single-use  
13 product’ means a consumer product that is rou-  
14 tinely disposed of, recycled, or otherwise dis-  
15 carded after a single use.

16           “(B) EXCLUSIONS.—The term ‘single-use  
17 product’ does not include—

18           “(i) medical food, supplements, de-  
19 vices, or other products determined by the  
20 Secretary of Health and Human Services  
21 to necessarily be made of plastic for the  
22 protection of public health;

23           “(ii) personal protective equipment,  
24 including—

25           “(I) masks;

1 “(II) gloves;

2 “(III) face shields; and

3 “(IV) other personal protective  
4 equipment determined by Secretary of  
5 Health and Human Services to be  
6 necessarily made out of plastic for the  
7 protection of public health;

8 “(iii) a personal hygiene product that,  
9 due to the intended use of the product,  
10 could become unsafe or unsanitary to recy-  
11 cle, such as a diaper; or

12 “(iv) packaging that is—

13 “(I) for any product described in  
14 clause (i); or

15 “(II) used for the shipment of  
16 hazardous materials that is prohibited  
17 from being composed of used mate-  
18 rials under section 178.509 or  
19 178.522 of title 49, Code of Federal  
20 Regulations (as in effect on the date  
21 of enactment of this subtitle).

22 “(20) TOXIC SUBSTANCE.—

23 “(A) IN GENERAL.—The term ‘toxic sub-  
24 stance’ means any substance, mixture, or com-  
25 pound that may cause personal injury or dis-

1 ease to humans through ingestion, inhalation,  
2 or absorption through any body surface and  
3 satisfies 1 or more of the following conditions:

4 “(i) The substance, mixture, or com-  
5 pound is subject to reporting requirements  
6 under—

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

10 “(II) the Comprehensive Envi-  
11 ronmental Response, Compensation,  
12 and Liability Act of 1980 (42 U.S.C.  
13 9601 et seq.); or

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

16 “(ii) Testing has produced evidence  
17 recognized by the National Institute for  
18 Occupational Safety and Health or the En-  
19 vironmental Protection Agency that the  
20 substance, mixture, or compound poses  
21 acute or chronic health hazards.

22 “(iii) The Administrator or the Sec-  
23 retary of Health and Human Services has  
24 issued a public health advisory for the sub-  
25 stance, mixture, or compound.

1           “(iv) Exposure to the substance, mix-  
2           ture, or compound is shown by expert tes-  
3           timony recognized by the Environmental  
4           Protection Agency to increase the risk of  
5           developing a latent disease.

6           “(v) The substance, mixture, or com-  
7           pound is—

8                   “(I) a perfluoroalkyl or  
9                   polyfluoroalkyl substance;

10                   “(II) an ortho-phthalate;

11                   “(III) a bisphenol compound (not  
12                   including an alkyl-substituted  
13                   bisphenol compound generated  
14                   through a xylenol-aldehyde process);  
15                   or

16                   “(IV) a halogenated or nanoscale  
17                   flame retardant chemical.

18           “(B) EXCLUSIONS.—The term ‘toxic sub-  
19           stance’ does not include—

20                   “(i) a pesticide applied—

21                           “(I) in accordance with Federal,  
22                           State, and local laws (including regu-  
23                           lations); and

1                   “(II) in accordance with the in-  
2                   structions of the manufacturer of the  
3                   pesticide; or

4                   “(ii) ammunition, a component of am-  
5                   munition, a firearm, an air rifle, discharge  
6                   of a firearm or an air rifle, hunting or  
7                   fishing equipment, or a component of  
8                   hunting or fishing equipment.

9                   “(21) TRANSLATION SERVICES.—The term  
10                  ‘translation services’ means professional language in-  
11                  terpretation and translation services provided in any  
12                  language spoken by more than 5 percent of the pop-  
13                  ulation residing within a community for written doc-  
14                  uments and notices and oral communications.

15                  “(22) UNITED STATES.—The term ‘United  
16                  States’, when used in a geographical sense, means  
17                  all of the States.

18                  “(23) UTENSIL.—

19                  “(A) IN GENERAL.—The term ‘utensil’  
20                  means a product designed to be used by a con-  
21                  sumer to facilitate the consumption of a food or  
22                  beverage.

23                  “(B) INCLUSIONS.—The term ‘utensil’ in-  
24                  cludes a knife, a fork, a spoon, a spork, a cock-

1 tail pick, a chopstick, a splash stick, and a stir-  
2 rer.

3 **“PART I—PRODUCTS IN THE MARKETPLACE**

4 **“SEC. 12101. EXTENDED PRODUCER RESPONSIBILITY.**

5 “(a) IN GENERAL.—Except as provided in subsection  
6 (b), beginning on February 1, 2023, each responsible  
7 party for any covered product or beverage sold in a bev-  
8 erage container that is sold, distributed, or imported into  
9 the United States shall—

10 “(1) participate as a member of an Organiza-  
11 tion for which a Plan is approved by the Adminis-  
12 trator; and

13 “(2) through that participation, satisfy the per-  
14 formance targets under section 12105(g).

15 “(b) EXEMPTIONS.—A responsible party for a cov-  
16 ered product or beverage sold in a beverage container, in-  
17 cluding a responsible party that operates as a single point  
18 of retail sale and is not supplied by, or operated as part  
19 of, a franchise, shall not be subject to this part if the re-  
20 sponsible party—

21 “(1)(A) for fiscal year 2022, has an annual rev-  
22 enue of less than \$1,000,000; and

23 “(B) for fiscal year 2023 and each subsequent  
24 fiscal year, has an annual revenue of less than the  
25 applicable amount during the preceding fiscal year,



1 as adjusted to reflect changes for the 12-month pe-  
2 riod ending on the preceding November 30 in the  
3 Consumer Price Index for All Urban Consumers  
4 published by the Bureau of Labor Statistics of the  
5 Department of Labor; or

6 “(2) is the responsible party for less than 1 ton  
7 of covered products or beverage containers in com-  
8 merce each year.

9 “(c) ENFORCEMENT.—

10 “(1) PROHIBITION.—It shall be unlawful for  
11 any person that is a responsible party for a covered  
12 product or beverage sold in a beverage container to  
13 sell, use, or distribute any covered product or bev-  
14 erage sold in a beverage container in commerce ex-  
15 cept in compliance with this part.

16 “(2) CIVIL PENALTY.—Any person that violates  
17 paragraph (1) shall be subject to a fine for each vio-  
18 lation and for each day that the violation occurs in  
19 an amount of not more than \$70,117.

20 “(3) INJUNCTIVE RELIEF.—The Administrator  
21 may bring a civil action to enjoin the sale, distribu-  
22 tion, or importation into the United States of a cov-  
23 ered product or beverage sold in a beverage con-  
24 tainer in violation of this part.

1           “(4) STATE ENFORCEMENT.—The Adminis-  
2           trator may permit a State to carry out enforcement  
3           under paragraph (2) or (3) if the Administrator de-  
4           termines that the State meets such requirements as  
5           the Administrator may establish.

6           “(d) INAPPLICABILITY OF THE ANTITRUST LAWS.—  
7           The antitrust laws, as defined in the first section of the  
8           Clayton Act (15 U.S.C. 12), shall not apply to a respon-  
9           sible party or Organization that carries out activities in  
10          accordance with an approved Plan if the conduct is nec-  
11          essary to plan and implement the Plan.

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

13          “(a) IN GENERAL.—

14                 “(1) ESTABLISHMENT.—To satisfy the require-  
15                 ment under section 12101(a)(1), 1 or more respon-  
16                 sible parties for a category of covered product or  
17                 beverage sold in a beverage container shall establish  
18                 a Producer Responsibility Organization that shall  
19                 act as an agent and on behalf of each responsible  
20                 party to carry out the responsibilities of the respon-  
21                 sible party under this part with respect to that cat-  
22                 egory of covered product or beverage sold in a bev-  
23                 erage container.

24                 “(2) PROGRAM.—An Organization shall estab-  
25                 lish a Product Stewardship Program to carry out

1 the responsibilities of the Organization under this  
2 part.

3 “(3) COORDINATION.—If more than 1 Organi-  
4 zation is established under paragraph (1) with re-  
5 spect to a category of covered product or beverage  
6 sold in a beverage container, the Administrator  
7 shall—

8 “(A) coordinate and manage those Organi-  
9 zations; or

10 “(B) establish an entity—

11 “(i) to carry out subparagraph (A);  
12 and

13 “(ii) to conduct business between  
14 those Organizations and State and local  
15 governments.

16 “(4) MULTIPLE ORGANIZATIONS.—A respon-  
17 sible party—

18 “(A) may participate in more than 1 Orga-  
19 nization if each Organization is established for  
20 a different category of covered products or bev-  
21 erages sold in beverage containers; and

22 “(B) may participate in—

23 “(i) only 1 national Organization with  
24 respect to—

1                   “(I) each category of covered  
2                   products; or

3                   “(II) beverages sold in beverage  
4                   containers; or

5                   “(ii) only 1 regional Organization with  
6                   respect to beverages sold in beverage con-  
7                   tainers and each category of covered prod-  
8                   ucts for each region in which the covered  
9                   products or beverages sold in beverage con-  
10                  tainers produced by the responsible party  
11                  are sold.

12                  “(5) NONPROFIT STATUS.—An Organization  
13                  shall be established and operated as an organization  
14                  described in section 501(c)(3) of the Internal Rev-  
15                  enue Code of 1986 and exempt from taxation under  
16                  501(a) of that Code.

17                  “(6) CATEGORIES.—The Administrator, in con-  
18                  sultation with Organizations, shall promulgate regu-  
19                  lations to establish categories of covered products  
20                  and beverages sold in beverage containers for pur-  
21                  poses of this part.

22                  “(b) PARTICIPATION FEES.—

23                  “(1) IN GENERAL.—Subject to paragraph (5),  
24                  an Organization shall charge each responsible party

1 a fee for membership in the Organization in accord-  
2 ance with this subsection.

3 “(2) COMPONENTS.—A fee charged to a respon-  
4 sible party under paragraph (1) shall include—

5 “(A) costs of management and cleanup in  
6 accordance with paragraph (3); and

7 “(B) administrative costs in accordance  
8 with paragraph (4).

9 “(3) MANAGEMENT AND CLEANUP COSTS.—

10 “(A) IN GENERAL.—A fee under para-  
11 graph (1) shall include, with respect to a re-  
12 sponsible party, the costs of management  
13 (which shall include costs assessed by the advi-  
14 sory committee for the Organization, in con-  
15 sultation with municipalities, other government  
16 entities, contracted entities, and other stake-  
17 holders, for collecting, transporting, processing,  
18 recycling, and composting) or cleaning up the  
19 covered products or beverage containers of the  
20 responsible party after consumer use through  
21 the applicable Program, including administra-  
22 tive costs.

23 “(B) CONSIDERATIONS.—In determining  
24 the costs of management and cleanup described  
25 in subparagraph (A) with respect to a respon-

1           sible party, an Organization shall, at a min-  
2           imum, take into account—

3                   “(i) the cost to properly manage the  
4                   applicable category of covered product or  
5                   beverage container waste;

6                   “(ii) the cost to assist in cleaning up  
7                   the covered product or beverage container  
8                   waste, including waste generated before  
9                   the date of enactment of this subtitle, of  
10                  the responsible party from—

11                           “(I) public places;

12                           “(II) freshwater and marine envi-  
13                           ronments, to the extent that cleanup  
14                           can be accomplished without harming  
15                           the existing marine life and intact  
16                           ecosystems; and

17                           “(III) materials in compost facili-  
18                           ties or other facilities handling or-  
19                           ganic wastes;

20                   “(iii) to the extent that cleanup of the  
21                   covered products or beverage containers  
22                   from freshwater and marine environments  
23                   cannot be accomplished without harming  
24                   the existing freshwater and marine life and

1 intact ecosystems, the cost of other appro-  
2 priate mitigation measures;

3 “(iv) the higher cost of managing cov-  
4 ered products that—

5 “(I) bond materials together,  
6 making the covered product more dif-  
7 ficult to recycle, such as plastic bond-  
8 ed with paper or metal;

9 “(II) would typically be recycla-  
10 ble or compostable, but, as a con-  
11 sequence of the design of the covered  
12 product, has the effect of disrupting  
13 recycling or composting processes;

14 “(III) includes labels, inks, lin-  
15 ers, and adhesives containing—

16 “(aa) heavy metals; or

17 “(bb) effective beginning on  
18 February 1, 2023, other toxic  
19 substances; or

20 “(IV) cannot be mechanically re-  
21 cycled;

22 “(v) the lower cost of managing—

23 “(I) beverage containers that  
24 have—

25 “(aa) nondetachable caps; or

1                   “(bb) other innovations and  
2                   design characteristics to prevent  
3                   littering; and

4                   “(II) contact containers and  
5                   other covered products that—

6                   “(aa) are specifically de-  
7                   signed to be reusable or refillable;  
8                   and

9                   “(bb) have a high reuse or  
10                  refill rate;

11                  “(vi) covered products with lower en-  
12                  vironmental impacts, including—

13                  “(I) covered products that are  
14                  made of—

15                  “(aa) sustainable or renew-  
16                  ably sourced materials; or

17                  “(bb) at least 90 percent by  
18                  weight of any combination of—

19                  “(AA) postconsumer re-  
20                  cycled content; or

21                  “(BB) materials de-  
22                  rived from land or fresh-  
23                  water or marine environ-  
24                  ment litter; and



1 “(II) compostable covered prod-  
2 ucts that—

3 “(aa) have direct contact  
4 with food; or

5 “(bb) help divert food waste  
6 from a landfill; and

7 “(vii) the percentage of postconsumer  
8 recycled content verified by an independent  
9 party designated by the Administrator that  
10 exceeds the minimum requirements estab-  
11 lished under section 12302 in the pack-  
12 aging, if the recycled content does not dis-  
13 rupt the potential for future recycling.

14 “(4) ADMINISTRATIVE COSTS.—

15 “(A) IN GENERAL.—A fee under para-  
16 graph (1) shall include—

17 “(i) the administrative costs to the  
18 Organization of carrying out the Program;

19 “(ii) the cost to the Administrator of  
20 administering this part with respect to the  
21 applicable Organization, including—

22 “(I) oversight, including annual  
23 oversight;

24 “(II) issuance of any rules;

25 “(III) planning;

- 1 “(IV) Plan review;
- 2 “(V) compliance;
- 3 “(VI) outreach and education;
- 4 “(VII) professional language in-
- 5 terpretation and translation services
- 6 for all publicly distributed materials;
- 7 “(VIII) enforcement;
- 8 “(IX) sufficient staff positions to
- 9 administer this part; and
- 10 “(X) other activities directly re-
- 11 lated to the activities described in sub-
- 12 clauses (I) through (IX); and
- 13 “(iii) the cost to a State for carrying
- 14 out enforcement with respect to the appli-
- 15 cable Organization.
- 16 “(B) CONSIDERATION.—In determining
- 17 the fee for a responsible party under subpara-
- 18 graph (A), an Organization shall consider the
- 19 company size and annual revenue of the respon-
- 20 sible party.
- 21 “(C) REIMBURSEMENT.—An Organization
- 22 shall reimburse—
- 23 “(i) the Administrator for costs de-
- 24 scribed subparagraph (A)(ii) incurred by
- 25 the Administrator; and

1           “(ii) a State for costs described in  
2           subparagraph (A)(iii) incurred by the  
3           State.

4           “(D) ADMINISTRATOR REIMBURSEMENTS  
5           ACCOUNT.—

6           “(i) IN GENERAL.—The Administrator  
7           shall deposit reimbursements received from  
8           an Organization under subparagraph (C)(i)  
9           into a dedicated account established for  
10          that Organization, which shall be available  
11          to the Administrator for activities of the  
12          Administrator associated with overseeing  
13          the Plan and Program of the Organization.

14          “(ii) REPORTS.—Not less frequently  
15          than annually, the Administrator shall—

16                  “(I) submit to Congress a report  
17                  describing the amount of reimburse-  
18                  ments deposited into each account  
19                  under clause (i); and

20                  “(II) make the report described  
21                  in subclause (I) publicly available.

22          “(5) APPROVAL.—

23                  “(A) IN GENERAL.—Before an Organiza-  
24                  tion may charge a fee or revise the amount of  
25                  a fee to be charged under paragraph (1)—

1           “(i) the Organization shall submit to  
2           the Administrator the fee structure and  
3           the methodology for determining that fee  
4           structure; and

5           “(ii)(I) the Organization shall receive  
6           notification of approval of the fee structure  
7           under subparagraph (B)(ii); or

8           “(II) the fee structure shall be consid-  
9           ered approved under subparagraph (C).

10          “(B) APPROVAL.—Not later than 60 days  
11          after receipt of a fee structure under subpara-  
12          graph (A)(i), the Administrator shall—

13           “(i)(I) approve the fee structure if the  
14           Administrator determines that the fee  
15           structure is in accordance with this sub-  
16           section; or

17           “(II) deny the fee structure if the Ad-  
18           ministrator determines that the fee struc-  
19           ture is not in accordance with this sub-  
20           section; and

21           “(ii) notify the Organization of—

22           “(I) the determination under  
23           clause (i); and

24           “(II) in the case of a denial  
25           under clause (i)(II), the reasons for

1 the denial and recommendations for  
2 revisions that are likely to be ap-  
3 proved.

4 “(C) FAILURE TO MEET DEADLINE.—If  
5 the Administrator does not make a determina-  
6 tion under clause (i) of subparagraph (B) by  
7 the date required under that subparagraph, the  
8 fee structure shall be considered to be approved.

9 “(c) ADVISORY COMMITTEES.—

10 “(1) IN GENERAL.—An Organization shall es-  
11 tablish an advisory committee that represents a  
12 range of interested and engaged persons relevant to  
13 the category of covered products or beverages sold in  
14 beverage containers of the applicable Program, in-  
15 cluding—

16 “(A) collection providers;

17 “(B) cleanup service providers;

18 “(C) recyclers;

19 “(D) composters; and

20 “(E) governmental entities.

21 “(2) COMPOSITION.—

22 “(A) IN GENERAL.—At a minimum, an ad-  
23 visory committee shall include individuals rep-  
24 resenting each of—

- 1                   “(i) responsible parties, such as a  
2 trade association;
- 3                   “(ii) States;
- 4                   “(iii) cities, including—  
5                         “(I) small and large cities; and  
6                         “(II) cities located in urban and  
7 rural counties;
- 8                   “(iv) counties, including—  
9                         “(I) small and large counties;  
10 and  
11                         “(II) urban and rural counties;
- 12                   “(v) public sector recycling,  
13 composting, and solid waste industries for  
14 the applicable type of product or pack-  
15 aging;
- 16                   “(vi) private sector recycling,  
17 composting, and solid waste industries for  
18 the applicable type of product or pack-  
19 aging;
- 20                   “(vii) recycled feedstock users for the  
21 applicable type of product or packaging;
- 22                   “(viii) public place litter programs;
- 23                   “(ix) freshwater and marine litter pro-  
24 grams;
- 25                   “(x) environmental organizations;

1 “(xi) disability advocates;  
2 “(xii) Indian Tribes; and  
3 “(xiii) environmental and human  
4 health scientists.

5 “(B) REQUIREMENTS.—

6 “(i) IN GENERAL.—Each individual  
7 serving on an advisory committee may rep-  
8 resent only 1 category described in clauses  
9 (i) through (xiii) of subparagraph (A).

10 “(ii) DISPROPORTIONATE REPRESENTATION.—An Organization shall ensure  
11 that no category described in clauses (i)  
12 through (xiii) of subparagraph (A) has dis-  
13 proportionate representation on an advi-  
14 sory committee.  
15

16 “(3) PUBLIC COMMENT.—

17 “(A) IN GENERAL.—Each year, an Organi-  
18 zation shall provide a process to receive com-  
19 ments from additional stakeholders and commu-  
20 nity members, which to the maximum extent  
21 practicable shall include diverse ethnic popu-  
22 lations.

23 “(B) COMMUNICATION METHODS AND RE-  
24 QUIREMENTS.—With respect to the public com-

1           ment process described in subparagraph (A), an  
2           Organization—

3                   “(i) shall provide translation services;

4                   and

5                   “(ii)(I) shall not require members of  
6                   the public to produce a form of identifica-  
7                   tion or register their names, provide other  
8                   information, complete a questionnaire, or  
9                   otherwise fulfill any condition precedent to  
10                  attending a public hearing; and

11                  “(II) shall include on any attendance  
12                  list, register, questionnaire, or other simi-  
13                  lar document that is used during a public  
14                  hearing a clear statement that the signing,  
15                  registering, or completion of the document  
16                  is voluntary.

17           “(4) EXPENSES.—

18                   “(A) IN GENERAL.—An Organization shall  
19                   reimburse representatives of community groups,  
20                   Indian Tribes, State and local governments,  
21                   and nonprofit organizations for expenses relat-  
22                   ing to participating on the advisory committee.

23                   “(B) OTHER MEMBERS.—Other members  
24                   of the advisory committee may be compensated  
25                   for travel expenses as needed to ensure the abil-



1           ity of those members to participate on the advi-  
2           sory committee.

3           “(C) LANGUAGE AND INTERPRETATION  
4           SERVICES.—An Organization shall be finan-  
5           cially responsible for providing translation serv-  
6           ices under paragraphs (3)(B)(i) and (6)(E).

7           “(5) DUTIES OF ADVISORY COMMITTEES.—An  
8           advisory committee shall—

9           “(A)(i) prepare a Plan for the Organiza-  
10          tion and any revisions to that Plan; and

11          “(ii) submit to the Organization that Plan  
12          or revisions to the Plan for review and approval  
13          under paragraph (6)(B); and

14          “(B) submit to the Organization and di-  
15          rectly to the Administrator any reports, rec-  
16          ommendations, or objections of the advisory  
17          committee relating to the Plan, fee structure, or  
18          other activities of the Organization.

19          “(6) DUTIES.—An Organization—

20          “(A) shall hold an advisory committee  
21          meeting at least once per year;

22          “(B) shall review and approve the Plan or  
23          revisions to the Plan submitted by an advisory  
24          committee under paragraph (5)(A)(ii) prior to

1 the submission to the Administrator of the Plan  
2 or revisions under section 12105;

3 “(C) shall include a summary of advisory  
4 committee engagement and input in the report  
5 under section 12107;

6 “(D) shall not modify a Plan without the  
7 approval of the advisory committee of the Orga-  
8 nization; and

9 “(E) shall provide translation services for  
10 any member of the advisory committee.

11 **“SEC. 12103. COVERED PRODUCT MANAGEMENT.**

12 “(a) IN GENERAL.—In carrying out a Program, a re-  
13 sponsible party, acting through an Organization, shall—

14 “(1) meet the performance targets under the  
15 applicable Plan, as described in section 12105(g)—

16 “(A) in the case of covered products, by  
17 providing for the collection and sorting of cov-  
18 ered products in accordance with subsection (b);  
19 or

20 “(B) in the case of beverage containers, by  
21 carrying out the responsibilities under section  
22 12104(e); and

23 “(2) in accordance with subsection (c), provide  
24 for the cleanup of covered products or beverage con-  
25 tainers that become litter.

1 “(b) COLLECTION.—

2 “(1) IN GENERAL.—A Program shall provide  
3 widespread, convenient, and equitable access to op-  
4 portunities for the collection of covered products in  
5 accordance with this subsection.

6 “(2) CONVENIENCE.—

7 “(A) IN GENERAL.—Subject to subpara-  
8 graph (B), collection opportunities described in  
9 paragraph (1) shall—

10 “(i) be provided throughout each  
11 State, Tribal land, and territory in which  
12 the applicable covered product is sold, in-  
13 cluding in rural and island communities;

14 “(ii) be as convenient as trash collec-  
15 tion in the applicable area; and

16 “(iii) in a case in which collection of  
17 the applicable covered product by curbside  
18 collection is not practicable, be, as deter-  
19 mined by the Administrator, and in the  
20 case of a city with a population of 750,000  
21 or more residents, subject to the approval  
22 of the city, available for not less than 95  
23 percent of the population of the applicable  
24 area within—

1                   “(I) in the case of an urban area,  
2                   a 10-minute walk; or

3                   “(II) in the case of a rural area,  
4                   the longer of—

5                               “(aa) a 45-minute drive; and

6                               “(bb) the time to drive to  
7                   the nearest rural service center.

8                   “(B) WAIVER.—The Administrator may  
9                   waive the requirement under subparagraph (A)  
10                  after—

11                               “(i) consultation with the advisory  
12                   committee of the applicable Organization  
13                   and other appropriate stakeholders; and

14                               “(ii) approval by the unit of local gov-  
15                   ernment with jurisdiction over the applica-  
16                   ble area.

17                  “(3) METHODS.—

18                               “(A) CURBSIDE OR MULTIFAMILY COLLEC-  
19                   TION.—With respect to a geographic area de-  
20                   scribed in paragraph (2)(A), an Organization  
21                   shall, at a minimum, provide the opportunity  
22                   for the collection of the applicable covered prod-  
23                   uct through a curbside or multifamily recycling  
24                   collection service, if—

1 “(i) curbside collection is provided, as  
2 of the date of enactment of this subtitle, to  
3 residents in single family and multifamily  
4 residences in an applicable area;

5 “(ii) the category of covered prod-  
6 uct—

7 “(I) is suitable for curbside or  
8 multifamily recycling collection; and

9 “(II) can be effectively sorted by  
10 facilities receiving the covered product  
11 after collection; and

12 “(iii) the provider of the service  
13 agrees—

14 “(I) to accept the category of  
15 covered product; and

16 “(II) to a compensation agree-  
17 ment described in subparagraph (C).

18 “(B) OTHER METHODS.—In addition to  
19 the method described in subparagraph (A), an  
20 Organization may comply with the requirement  
21 under paragraph (1) by—

22 “(i) entering into an agreement  
23 with—

24 “(I) an entity that carries out a  
25 program through which consumers

1 may drop off the covered product at a  
2 designated location (commonly known  
3 as a ‘depot drop-off program’); or

4 “(II) a retailer that accepts the  
5 covered product from consumers  
6 (commonly known as ‘retailer take-  
7 back’); or

8 “(ii) such other means as the Organi-  
9 zation determines to be appropriate, in-  
10 cluding by establishing a collection pro-  
11 gram or service, including a program or  
12 service that provides collection from public  
13 spaces.

14 “(C) COMPENSATION AGREEMENTS.—

15 “(i) IN GENERAL.—An Organization  
16 may comply with this subsection by enter-  
17 ing into an agreement with a governmental  
18 or private entity under which the Organi-  
19 zation compensates the entity for the col-  
20 lection of covered products.

21 “(ii) REQUIREMENT.—As part of a  
22 compensation agreement under clause (i),  
23 an Organization shall offer to provide re-  
24 imbursement of not less than 100 percent  
25 of the cost to the entity of managing the

1 covered products, including, as applicable,  
2 administrative costs, sorting, and reproc-  
3 essing.

4 “(4) MANAGING COLLECTED COVERED PROD-  
5 UCTS.—In carrying out this subsection, an Organi-  
6 zation shall—

7 “(A) ensure that—

8 “(i) the collection means and systems  
9 used direct the covered product waste to—

10 “(I) facilities that are effective in  
11 sorting and reprocessing covered prod-  
12 uct waste prior to shipment in a form  
13 ready for remanufacture into new  
14 products; or

15 “(II) other facilities that the Ad-  
16 ministrator determines appropriately  
17 manage the covered product waste;

18 “(ii) covered products are managed in  
19 an environmentally sound and socially just  
20 manner at reprocessing, disposal, or other  
21 facilities operating with human health and  
22 environmental protection standards that  
23 are broadly equivalent to the standards re-  
24 quired in—

25 “(I) the United States; or

1                   “(II) other countries that are  
2                   members of the Organization for Eco-  
3                   nomic Cooperation and Development;  
4                   and

5                   “(iii) the Program includes measures  
6                   to track, verify, and publicly report that  
7                   covered products are managed responsibly  
8                   and not reexported to countries in which  
9                   standards described in clause (ii) are not  
10                  met; and

11                 “(B) take measures—

12                   “(i) to promote high-quality recycling  
13                   that retains material quality;

14                   “(ii) to meet the necessary quality  
15                   standards for the relevant facilities that  
16                   manufacture new products from the col-  
17                   lected, sorted, and reprocessed materials;  
18                   and

19                   “(iii) to prioritize the recycling of  
20                   products and packaging into uses that  
21                   achieve the greatest environmental benefits  
22                   from displacing the use of virgin materials.

23                 “(5) COSTS.—

24                   “(A) IN GENERAL.—A responsible party or  
25                   an Organization may not charge an entity de-



1           scribed in subparagraph (B) any amount for  
2           the cost of carrying out this subsection.

3           “(B) ENTITIES DESCRIBED.—An entity re-  
4           ferred to in subparagraph (A) is a single family  
5           or multifamily dwelling or publicly owned land  
6           (such as a sidewalk, plaza, and park) for which  
7           a recycling collection service is provided.

8           “(6) EFFECT.—Nothing in this subsection—

9           “(A) requires a governmental entity to pro-  
10          vide for the collection of covered products; or

11          “(B) prohibits a governmental entity from  
12          providing for the collection and sorting of cov-  
13          ered products.

14          “(c) CLEANUP; REDUCTION IN WASTE.—A Program  
15 shall—

16          “(1) provide funding to, and coordinate with,  
17          entities that collect covered product or beverage con-  
18          tainer litter from public places or freshwater or ma-  
19          rine environments in the United States, including  
20          Tribal land and territories; and

21          “(2) coordinate product design and Program in-  
22          novations to reduce covered product or beverage con-  
23          tainer waste.

24          “(d) MINIMUM FUNDING REQUIREMENTS.—

1           “(1) IN GENERAL.—Of Program expenditures  
2 for a fiscal year, an Organization shall ensure  
3 that—

4           “(A)(i) for the 10-year period beginning on  
5 the date on which the Organization is estab-  
6 lished, not less than 50 percent is used for the  
7 improvement and development of new market,  
8 recycling, or composting infrastructure in the  
9 United States, which may include installing or  
10 upgrading equipment at existing sorting and re-  
11 processing facilities—

12           “(I) to improve sorting of covered  
13 product waste; or

14           “(II) to mitigate the impacts of cov-  
15 ered product waste to other commodities;  
16 and

17           “(ii) for each year thereafter, such percent-  
18 age as the Administrator may establish, but not  
19 less than 10 percent, is used for the purposes  
20 described in clause (i); and

21           “(B) not less than 10 percent is used for—

22           “(i) cleanup activities under sub-  
23 section (c)(1); and

24           “(ii) the removal of covered product  
25 or beverage container contaminants at

1                   compost facilities and other facilities that  
2                   manage organic materials.

3                   “(2) DETERMINATION OF EXPENDITURES.—

4                   For purposes of carrying out paragraph (1), Pro-  
5                   gram expenditures for a fiscal year shall be based  
6                   on—

7                   “(A) in the case of the first fiscal year of  
8                   the Program, budgeted expenditures for the fis-  
9                   cal year; and

10                   “(B) in the case of each fiscal year there-  
11                   after, Program expenditures for the previous  
12                   fiscal year.

13                   **“SEC. 12104. NATIONAL BEVERAGE CONTAINER PROGRAM.**

14                   “(a) RESPONSIBILITIES OF RESPONSIBLE PAR-  
15                   TIES.—

16                   “(1) IN GENERAL.—Each responsible party for  
17                   beverages sold in beverage containers shall—

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

23                   “(B) on receipt of an empty beverage con-  
24                   tainer from a retailer, pay to the retailer a re-

1 fund in the amount of the applicable refund  
2 value described in subsection (c).

3 “(2) USE OF DEPOSITS FROM UNREDEEMED  
4 BEVERAGE CONTAINERS.—A responsible party shall  
5 use any amounts received as deposits under para-  
6 graph (1)(A) for which an empty beverage container  
7 is not returned to the Organization responsible for  
8 the material of the beverage container for invest-  
9 ment in collection, recycling, and reuse infrastruc-  
10 ture.

11 “(b) RESPONSIBILITIES OF RETAILERS.—

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

15 “(A) charge to the customer to which the  
16 beverage in a beverage container is sold a de-  
17 posit in the amount of the applicable refund  
18 value described in subsection (c) on the sale;

19 “(B) on receipt of an empty beverage con-  
20 tainer from a customer, pay to the customer a  
21 refund in the amount of the applicable refund  
22 value described in subsection (c);

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

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

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

6                   “(D) in the case of a retailer that is equal  
7                   to or greater than 5,000 square feet, accept any  
8                   brand and size of beverage container and pay a  
9                   refund under subparagraph (B) for the bev-  
10                  erage container, regardless of whether the re-  
11                  tailer sells that brand or size of beverage con-  
12                  tainer.

13                  “(2) EXCEPTIONS.—

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

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

20                                 “(I) water;

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

23                                 “(III) ordinary dust; or

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

4           “(B) CONTAINER LIMITATION.—

5           “(i) LARGE RETAILERS.—A retailer  
6           described in paragraph (1) that is equal to  
7           or greater than 5,000 square feet may  
8           refuse to accept, and pay a refund under  
9           paragraph (1)(B) for, more than 250 bev-  
10          erage containers per person per day.

11          “(ii) SMALL RETAILERS.—A retailer  
12          described in paragraph (1) that is less  
13          than 5,000 square feet may refuse to ac-  
14          cept, and pay a refund under paragraph  
15          (1)(B) for, more than 50 beverage con-  
16          tainers per person per day.

17          “(C) BRAND AND SIZE.—A retailer de-  
18          scribed in paragraph (1) that is less than 5,000  
19          square feet may refuse to accept, and pay a re-  
20          fund under paragraph (1)(B) for, a brand or  
21          size of beverage container that the retailer does  
22          not sell.

23          “(D) RESTAURANTS.—A retailer described  
24          in paragraph (1) that is a restaurant may  
25          refuse to accept, and pay a refund under para-

1 graph (1)(B) for, a beverage container that the  
2 restaurant did not sell.

3 “(E) OTHER MEANS OF RETURN.—The  
4 Administrator may permit the establishment of  
5 convenience zones, under which a retailer within  
6 a convenience zone is exempt from this sub-  
7 section if the Administrator determines that the  
8 retailer—

9 “(i) is located within close proximity  
10 to a redemption center established under  
11 subsection (e)(2); and

12 “(ii) shares in the cost of the oper-  
13 ation of that redemption center with the  
14 responsible party.

15 “(c) APPLICABLE REFUND VALUE.—

16 “(1) IN GENERAL.—The amount of the refund  
17 value referred to in subsections (a) and (b) shall be  
18 not less than 10 cents.

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

22 “(A) increase the minimum refund value  
23 under paragraph (1) to account for—

24 “(i) inflation; and

1                   “(ii) other factors, such as a failure to  
2                   meet performance targets described in sec-  
3                   tion 12105(g); or

4                   “(B) decrease the minimum refund value  
5                   under paragraph (1) to account for beverage  
6                   containers that—

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

9                   “(ii) have a high reuse or refill rate.

10                  “(3) DISCRETIONARY INCREASES.—A respon-  
11                  sible party, with respect to a covered product or bev-  
12                  erage container, or a State may require a refund  
13                  value that is more than the minimum refund value  
14                  under paragraph (1).

15                  “(d) LABELING.—Any manufacturer, importer, or  
16                  distributor of a beverage in a beverage container that is  
17                  sold in the United States shall include on the label of the  
18                  beverage container a standardized description of the appli-  
19                  cable refund value in such a manner that the description  
20                  is clearly visible.

21                  “(e) RESPONSIBILITIES OF ORGANIZATIONS.—

22                  “(1) COLLECTION AND STORAGE.—An Organi-  
23                  zation of responsible parties for beverages sold in  
24                  beverage containers shall facilitate collection and  
25                  storage of beverage containers that are returned to



1       retailers under this section by providing storage or  
2       other means to collect the beverage containers until  
3       collection for recycling, such as reverse vending or  
4       other convenient options for consumers.

5               “(2) REDEMPTION CENTERS.—

6                       “(A) IN GENERAL.—An Organization of  
7       responsible parties for beverages sold in bev-  
8       erage containers shall establish and operate fa-  
9       cilities to accept beverage containers from con-  
10      sumers.

11                      “(B) REQUIREMENTS.—A facility estab-  
12      lished under subparagraph (A) shall—

13                               “(i) be staffed and available to the  
14      public—

15                                       “(I) each day other than a Fed-  
16      eral or local holiday; and

17                                       “(II) not less than 10 hours each  
18      day;

19                               “(ii) accept—

20                                       “(I) any beverage container; and

21                                       “(II) not less than 350 beverage  
22      containers per person per day; and

23                               “(iii) provide—

24                                       “(I) hand or automated counts  
25      conducted by staff of the facility;

1                   “(II) a drop door for consumers  
 2                   to drop off bags of mixed beverage  
 3                   containers for staff of the facility to  
 4                   count, for which the facility may col-  
 5                   lect a convenience fee; or

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

10                   “(3) CURBSIDE COLLECTION.—An Organization  
 11                   may pay an entity that collects curbside recycling  
 12                   the value of the applicable refund value under sub-  
 13                   section (c) for beverage containers collected, based  
 14                   on weight or another measurement that approxi-  
 15                   mates the amount of the refunds, as negotiated by  
 16                   the Organization and the entity.

17                   “(f) EXCLUDED STATES.—

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

21                   “(A) has in effect a beverage container law  
 22                   before the date of enactment of this subtitle;  
 23                   and

24                   “(B) enacts legislation after the date of en-  
 25                   actment of this subtitle to update the beverage

1 container law described in subparagraph (A) to  
2 be consistent with the refund value amounts  
3 under, and beverage containers covered by, this  
4 part.

5 “(2) COMPLIANCE WITH STATE LAW.—In the  
6 case of an eligible State, compliance with the law of  
7 the eligible State by a distributor, retailer, manufac-  
8 turer, importer, or Organization shall be considered  
9 to be compliance with this section.

10 “(3) CONFORMITY.—An eligible State is en-  
11 couraged to negotiate with relevant Organizations on  
12 updated features of the beverage container law of  
13 the eligible State, such as sharing new revenue from  
14 increased deposits.

15 **“SEC. 12105. PRODUCT STEWARDSHIP PLANS.**

16 “(a) IN GENERAL.—Not later than February 1,  
17 2023, each Organization shall submit to the Administrator  
18 a Product Stewardship Plan that describes how the Orga-  
19 nization will carry out the responsibilities of the Organiza-  
20 tion under this part.

21 “(b) CONTENTS.—Each Plan shall contain, at a min-  
22 imum—

23 “(1) contact information for the Organization  
24 submitting the Plan;

1           “(2) a list of participating responsible parties  
2 and brands covered by the applicable Program, in-  
3 cluding organization structure for each responsible  
4 party; and

5           “(3) a description of—

6               “(A) each category of covered product or  
7 beverage sold in a beverage container covered  
8 by the Plan;

9               “(B) funding for the Organization, includ-  
10 ing how fees will be structured and collected in  
11 accordance with section 12102(b)(5).

12               “(C) performance targets under subsection  
13 (g);

14               “(D) the means by which each type of cov-  
15 ered product or beverage container will be col-  
16 lected in accordance with section 12103 or  
17 12104, as applicable, to meet—

18                   “(i) the consumer convenience and ge-  
19 ographic coverage standards for collection  
20 under this part; and

21                   “(ii) the performance targets under  
22 subsection (g);

23               “(E) consumer education plans in accord-  
24 ance with section 12106;

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

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

6           “(H) plans for complying with design-for-  
7 environment and labeling requirements under  
8 sections 12303 and 12304, respectively;

9           “(I) the means by which responsible par-  
10 ties will work with, improve, and fund existing  
11 recycling, composting, litter cleanup, and dis-  
12 posal programs and infrastructure;

13           “(J) any plans to transition to reusable  
14 covered products;

15           “(K) the process to consider and establish  
16 innovative means to increase collection of cov-  
17 ered products;

18           “(L) the means by which the Organization  
19 is mitigating fraud in the applicable Program;

20           “(M) the means by which responsible par-  
21 ties will consult with the Federal Government,  
22 State and local governments, and any other im-  
23 portant stakeholders; and

24           “(N) plans for market development.

1       “(c) APPROVAL OR DENIAL.—Not later than 90 days  
2 after receiving a Plan under subsection (a), the Adminis-  
3 trator shall—

4           “(1) approve or deny the Plan; and

5           “(2) notify the applicable Organization of the  
6 determination of the Administrator under paragraph  
7 (1).

8       “(d) IMPLEMENTATION.—Beginning on August 1,  
9 2023, not later than 60 days after receiving a notification  
10 of approval of a Plan under subsection (c)(2), the applica-  
11 ble Organization shall begin implementation of the Plan.

12       “(e) EXPIRATION.—A Plan—

13           “(1) shall expire on the date that is 5 years  
14 after the date on which the Plan is approved; and

15           “(2) may be renewed.

16       “(f) REVISIONS.—The Administrator may require a  
17 revision to a Plan before the expiration date of the Plan  
18 if—

19           “(1) the performance targets under subsection  
20 (g) are not being met; or

21           “(2) there is a change in circumstances that  
22 otherwise warrants a revision.

23       “(g) PERFORMANCE TARGETS.—

24           “(1) IN GENERAL.—Each Plan shall contain  
25 achievable performance targets for the collection and

1 recycling of the applicable covered product or bev-  
2 erage container in accordance with section 12103 or  
3 12104, as applicable.

4 “(2) MINIMUM REQUIREMENTS.—Performance  
5 targets under paragraph (1) shall be not less than,  
6 by weight of covered product—

7 “(A) by December 31, 2027—

8 “(i) 65 percent of all covered prod-  
9 ucts, except paper, recycled;

10 “(ii) 75 percent of all beverage con-  
11 tainers and paper covered products recy-  
12 cled; and

13 “(iii) 50 percent of all industrially  
14 compostable covered products composted;

15 “(B) by December 31, 2030, 15 percent of  
16 covered products for which packaging is elimi-  
17 nated or offered in reusable packaging;

18 “(C) by such dates as the Administrator  
19 determines to be appropriate after December  
20 31, 2030, such percentage of covered products  
21 for which packaging shall be eliminated or that  
22 shall be offered in reusable packaging as the  
23 Administrator determines to be appropriate;  
24 and

25 “(D) by December 31, 2032—

1                   “(i) 80 percent of all covered prod-  
2                   ucts, except paper, recycled;

3                   “(ii) 90 percent of all beverage con-  
4                   tainers and paper covered products recy-  
5                   cled; and

6                   “(iii) 70 percent of all industrially  
7                   compostable covered products composted.

8                   “(3) LABELING RESTRICTION.—A responsible  
9                   party for a covered product shall not include on the  
10                  covered product a label claiming that the covered  
11                  product is recyclable or compostable if the covered  
12                  product does not satisfy the performance targets  
13                  under paragraph (2).

14   **“SEC. 12106. OUTREACH AND EDUCATION.**

15                  “(a) IN GENERAL.—A Program shall include the pro-  
16                  vision of outreach and education to consumers throughout  
17                  the United States regarding—

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

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

22                         “(3) how to prevent litter of covered products  
23                         and beverage containers; and

24                         “(4) recycling and composting instructions that  
25                         are—



1           “(A) consistent nationwide, except as nec-  
2           essary to take into account differences among  
3           State and local laws;

4           “(B) easy to understand; and

5           “(C) easily accessible, including accessi-  
6           bility in multiple languages to reach a diverse  
7           ethnic population.

8           “(b) ACTIVITIES.—Outreach and education under  
9           subsection (a) shall—

10           “(1) be designed to achieve the management  
11           goals of covered products and beverage containers  
12           under this part, including the prevention of contami-  
13           nation by covered products and beverage containers  
14           in other management systems or in other materials;

15           “(2) be coordinated across programs nationally  
16           to avoid confusion for consumers; and

17           “(3) include, at a minimum—

18           “(A) consulting on education, outreach,  
19           and communications with the advisory com-  
20           mittee of the applicable Organization and other  
21           stakeholders;

22           “(B) coordinating with and assisting local  
23           municipal programs, municipal contracted pro-  
24           grams, solid waste collection companies, and

1 other entities providing services to the Pro-  
2 gram;

3 “(C) developing and providing outreach  
4 and education to the diverse ethnic populations  
5 of the United States through translated and  
6 culturally appropriate materials, including in-  
7 language and targeted outreach;

8 “(D) establishing consumer websites and  
9 mobile applications that provide information  
10 about methods to prevent covered product and  
11 beverage container pollution and how consumers  
12 may access and use collection services;

13 “(E) working with Program participants to  
14 label covered products and beverage containers  
15 with information to assist consumers in respon-  
16 sibly managing covered product and beverage  
17 container waste; and

18 “(F) determining the effectiveness of out-  
19 reach, education, communications, and conven-  
20 ience of services through periodic surveys of  
21 consumers.

22 “(c) EVALUATION.—If the Administrator determines  
23 that performance targets under section 12105(g) are not  
24 being met with respect to an Organization, the Organiza-  
25 tion shall—

1           “(1) conduct an evaluation of the effectiveness  
2 of outreach and education efforts under this section  
3 to determine whether changes are necessary to im-  
4 prove those outreach and education efforts; and

5           “(2) develop information that may be used to  
6 improve outreach and education efforts under this  
7 section.

8 **“SEC. 12107. REPORTING.**

9           “(a) IN GENERAL.—An Organization shall annually  
10 make available on a publicly available website a report that  
11 contains—

12           “(1) with respect to covered products or bev-  
13 erages in beverage containers sold or imported by  
14 members of the Organization, a description of, at a  
15 minimum—

16           “(A) the quantity of covered products or  
17 beverage containers sold or imported and col-  
18 lected, by submaterial type and State, for the  
19 year covered by the report and each prior year;

20           “(B) management of the covered products  
21 or beverage containers, including recycling  
22 rates, by submaterial type, for the year covered  
23 by the report and each prior year;

24           “(C) data on the final destination and  
25 quantity of reclaimed covered products or bev-

1 erage containers, by submaterial type, including  
2 the form of any covered products or beverage  
3 containers exported;

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

6 “(E) collection service vendors and collec-  
7 tion locations, including—

8 “(i) the geographic distribution of col-  
9 lection;

10 “(ii) distance to population centers;

11 “(iii) hours;

12 “(iv) actions taken to reduce barriers  
13 to collection by expanding curbside collec-  
14 tion or facilitating drop-offs; and

15 “(v) frequency of collection avail-  
16 ability;

17 “(F) efforts to reduce environmental im-  
18 pacts at each stage of the lifecycle of the cov-  
19 ered products or beverage containers; and

20 “(G) the quantity of covered products that  
21 have been eliminated or replaced by reusable  
22 packaging, delineated by submaterial type and  
23 State, for the year covered by the report and  
24 for each prior year for which a report was sub-  
25 mitted;

1           “(2) the composition of the advisory committee  
2 for the Organization;

3           “(3) expenses of the Organization;

4           “(4) outreach and education efforts under sec-  
5 tion 12106, including the results of those efforts;

6           “(5) customer service efforts and results;

7           “(6) performance relative to the performance  
8 targets of the Plan under section 12105(g);

9           “(7) the status of packaging innovation and de-  
10 sign characteristics to prevent littering, make cov-  
11 ered products or beverage containers reusable or re-  
12 fillable, or reduce overall covered product and bev-  
13 erage container waste; and

14           “(8) any other information that the Adminis-  
15 trator determines to be appropriate.

16           “(b) CONSISTENCY.—Organizations shall make ef-  
17 forts to coordinate reporting under subsection (a) to pro-  
18 vide for consistency of information across a category of  
19 covered products or beverage containers.

20           “(c) AUDITS.—Every 2 years, the Administrator shall  
21 conduct an audit of—

22           “(1) collection and recycling to provide an ac-  
23 counting of the collection and recycling of covered  
24 products and beverage containers that are not pro-

1       duced by a responsible party or an Organization;  
2       and

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

7       “(d) REDUCTIONS IN STATE AND LOCAL TAXES.—  
8       Not later than February 1, 2025, and annually thereafter,  
9       the Administrator shall prepare and make publicly avail-  
10      able a report describing—

11              “(1) the effect of this part on costs incurred by  
12      State and local governments for the management  
13      and cleanup of covered products and beverage con-  
14      tainers; and

15              “(2) any reductions in State and local taxes as  
16      a result of any reductions of costs described in para-  
17      graph (1).

18              **“PART II—REDUCTION OF SINGLE-USE**

19                              **PRODUCTS**

20      **“SEC. 12201. PROHIBITION ON SINGLE-USE PLASTIC CARRY-**  
21                              **OUT BAGS.**

22              “(a) DEFINITION OF SINGLE-USE PLASTIC BAG.—  
23      In this section:

24              “(1) IN GENERAL.—The term ‘single-use plastic  
25      bag’ means a bag that is—

1           “(A) made of plastic; and

2           “(B) provided by a covered retail or service  
3 establishment to a customer at the point of  
4 sale, home delivery, the check stand, cash reg-  
5 ister, or other point of departure to a customer  
6 for use to transport, deliver, or carry away pur-  
7 chases.

8           “(2) EXCLUSIONS.—The term ‘single-use plas-  
9 tic bag’ does not include—

10           “(A) a bag that is subject to taxation  
11 under section 4056 of the Internal Revenue  
12 Code of 1986;

13           “(B) a bag that—

14           “(i) is made a material other than  
15 plastic film;

16           “(ii) is woven or nonwoven nylon,  
17 polypropylene, polyethylene-terephthalate,  
18 or Tyvek in a quantity less than 80 grams  
19 per square meter;

20           “(iii) has handles that are stitched  
21 and not heat-fused; and

22           “(iv) is machine washable; or

23           “(C) a covered product that is—

24           “(i) used by a consumer inside a  
25 store—

1                   “(I) to package bulk items, such  
2                   as fruit, vegetables, nuts, grains,  
3                   candy, unwrapped prepared foods or  
4                   bakery goods, or small hardware  
5                   items; or

6                   “(II) to contain or wrap—

7                   “(aa) prepackaged or non-  
8                   prepackaged frozen foods, meat,  
9                   or fish; or

10                   “(bb) flowers, potted plants,  
11                   or other items the dampness of  
12                   which may require the use of the  
13                   nonhandled bag;

14                   “(ii) a bag sold at retail in packages  
15                   containing multiple bags intended to con-  
16                   tain garbage or pet waste;

17                   “(iii) a newspaper bag;

18                   “(iv) a door hanger bag; or

19                   “(v) a laundry or dry cleaning bag.

20                   “(b) PROHIBITION.—A covered retail or service es-  
21                   tablishment shall not provide at the point of sale a single-  
22                   use plastic bag to a customer.

23                   “(c) ENFORCEMENT.—

24                   “(1) WRITTEN NOTIFICATION FOR FIRST VIO-  
25                   LATION.—If a covered retail or service establishment



1 violates subsection (b), the Administrator shall pro-  
2 vide that covered retail or service establishment with  
3 written notification regarding the violation of the re-  
4 quirement under that subsection.

5 “(2) SUBSEQUENT VIOLATIONS.—

6 “(A) IN GENERAL.—If a covered retail or  
7 service establishment, subsequent to receiving a  
8 written notification described in paragraph (1),  
9 violates subsection (b), the Administrator shall  
10 fine the covered retail or service establishment  
11 in accordance with subparagraph (B).

12 “(B) AMOUNT OF PENALTY.—For each  
13 violation during a calendar year, the amount of  
14 the penalty under subparagraph (A) shall be—

15 “(i) in the case of the first violation,  
16 \$250;

17 “(ii) in the case of the second viola-  
18 tion, \$500; and

19 “(iii) in the case of the third violation  
20 or any subsequent violation, \$1,000.

21 “(C) SEIZURE.—On a third violation or  
22 any subsequent violation under this paragraph  
23 by a covered retail or service establishment, the  
24 Administrator may seize any single-use plastic

1 bags in the possession of the covered retail or  
2 service establishment.

3 “(D) LIMITATION.—In the case of a cov-  
4 ered retail or service establishment the annual  
5 revenue of which is less than \$1,000,000, a  
6 penalty shall not be imposed under this para-  
7 graph more than once during any 7-day period.

8 “(3) STATE ENFORCEMENT.—The Adminis-  
9 trator may permit a State to carry out enforcement  
10 under this subsection if the Administrator deter-  
11 mines that the State meets such requirements as the  
12 Administrator may establish.

13 “(d) EFFECTIVE DATE.—The prohibition under this  
14 section shall take effect on January 1, 2023.

15 **“SEC. 12202. REDUCTION OF OTHER SINGLE-USE PROD-**  
16 **UCTS.**

17 “(a) PROHIBITION ON PLASTIC UTENSILS AND PLAS-  
18 TIC STRAWS.—

19 “(1) UTENSILS.—A covered retail or service es-  
20 tablishment may not use, provide, distribute, or sell  
21 a plastic utensil.

22 “(2) PLASTIC STRAWS.—

23 “(A) IN GENERAL.—Subject to subpara-  
24 graphs (B) and (C), a covered retail or service  
25 establishment that sells food or beverages—

1           “(i) except as provided in clause (ii),  
2           may not provide a plastic straw to a cus-  
3           tomer;

4           “(ii) shall provide a plastic straw to a  
5           customer who requests a plastic straw;

6           “(iii) shall provide accessible means of  
7           communication, across all ordering plat-  
8           forms used by the covered retail or service  
9           establishment (such as online, mobile, and  
10          in-person), for customers to request a plas-  
11          tic straw; and

12          “(iv) shall keep in stock plastic straws  
13          for customers who request plastic straws.

14          “(B) EFFECTIVE FUNCTIONAL EQUIVA-  
15          LENTS.—If the Administrator, in consultation  
16          with the National Council on Disability and ad-  
17          vocates representing the disability and environ-  
18          mental communities, determines that an effec-  
19          tive functional equivalent to a plastic straw that  
20          can be recycled, composted, or disposed with  
21          minimal harm to the environment has been de-  
22          veloped—

23                 “(i) subparagraph (A) shall no longer  
24                 apply; and

1                   “(ii) a covered retail or service estab-  
2                   lishment may not provide a plastic straw to  
3                   a customer.

4                   “(C) EXCLUSION.—Subparagraph (A)  
5                   shall not apply to the sale of plastic straws in  
6                   bulk for home or personal use.

7                   “(3) NONPLASTIC ALTERNATIVES.—A covered  
8                   retail or service establishment may provide, dis-  
9                   tribute, or sell a reusable, compostable, or recyclable  
10                  alternative to a plastic utensil or plastic straw  
11                  only—

12                  “(A) on request of a customer;

13                  “(B) in the case of a compostable or recy-  
14                  clable alternative, if composting or recycling, as  
15                  applicable, for the item is provided and locally  
16                  accessible; and

17                  “(C) effective beginning on February 1,  
18                  2023, if the alternative does not contain a toxic  
19                  substance.

20                  “(b) PROHIBITION ON OTHER SINGLE-USE PROD-  
21                  UCTS.—

22                  “(1) IN GENERAL.—Except as provided in para-  
23                  graphs (3) and (4), a covered retail or service estab-  
24                  lishment may not sell or distribute any single-use  
25                  product that the Administrator determines is not re-

1 cyclable or compostable and can be replaced by a re-  
2 usable or refillable item.

3 “(2) INCLUSIONS.—In the prohibition under  
4 paragraph (1), the Administrator shall include—

5 “(A) expanded polystyrene for use in food  
6 service products, disposable consumer coolers,  
7 or shipping packaging;

8 “(B) single-use personal care products,  
9 such as miniature bottles containing shampoo,  
10 soap, and lotion that are provided at hotels or  
11 motels;

12 “(C) noncompostable produce stickers; and

13 “(D) such other products that the Admin-  
14 istrator determines by regulation to be appro-  
15 priate.

16 “(3) EXCEPTION.—The prohibition under para-  
17 graph (1) shall not apply to the sale or distribution  
18 of an expanded polystyrene cooler for any medical  
19 use determined to be necessary by the Secretary of  
20 Health and Human Services.

21 “(4) TEMPORARY WAIVER.—The Administrator  
22 may grant a temporary waiver of not more than 1  
23 year from the prohibition under paragraph (1) for  
24 the use of expanded polystyrene in shipping pack-

1 aging to protect a product of high value if a viable  
2 alternative to expanded polystyrene is not available.

3 “(c) ENFORCEMENT.—

4 “(1) WRITTEN NOTIFICATION FOR FIRST VIO-  
5 LATION.—If a covered retail or service establishment  
6 violates subsection (a) or (b), the Administrator  
7 shall provide that covered retail or service establish-  
8 ment with written notification regarding the viola-  
9 tion of the requirement under that subsection.

10 “(2) SUBSEQUENT VIOLATIONS.—

11 “(A) IN GENERAL.—If any covered retail  
12 or service establishment, subsequent to receiv-  
13 ing a written notification described in para-  
14 graph (1), violates subsection (a) or (b), the  
15 Administrator shall fine the covered retail or  
16 service establishment in accordance with sub-  
17 paragraph (B).

18 “(B) AMOUNT OF PENALTY.—For each  
19 violation during a calendar year, the amount of  
20 the penalty under subparagraph (A) shall be—

21 “(i) in the case of the first violation,  
22 \$250;

23 “(ii) in the case of the second viola-  
24 tion, \$500; and

1 “(iii) in the case of the third violation  
2 or any subsequent violation, \$1,000.

3 “(C) SEIZURE.—On a third violation or  
4 any subsequent violation under this paragraph  
5 by a covered retail or service establishment, the  
6 Administrator may seize any plastic products  
7 prohibited under subsection (a) or (b) that are  
8 in the possession of the covered retail or service  
9 establishment.

10 “(D) LIMITATION.—In the case of a cov-  
11 ered retail or service establishment the annual  
12 revenue of which is less than \$1,000,000, a  
13 penalty shall not be imposed under this para-  
14 graph more than once during any 7-day period.

15 “(3) STATE ENFORCEMENT.—The Adminis-  
16 trator may permit a State to carry out enforcement  
17 under this subsection if the Administrator deter-  
18 mines that the State meets such requirements as the  
19 Administrator may establish.

20 “(d) EFFECTIVE DATE.—The prohibition under this  
21 section shall take effect on January 1, 2023.

22 **“SEC. 12203. STUDY AND ACTION ON PLASTIC TOBACCO FIL-**  
23 **TERS AND ELECTRONIC CIGARETTES.**

24 “(a) STUDY.—Not later than 2 years after the date  
25 of enactment of this subtitle, the Administrator, in con-

1 junction with the Commissioner of Food and Drugs and  
2 the Director of the National Institutes of Health, shall  
3 conduct a study on—

4           “(1) the environmental impacts and efficacy of  
5 tobacco filters made from plastic; and

6           “(2) the environmental impacts of electronic  
7 cigarettes, including disposable components of elec-  
8 tronic cigarettes.

9           “(b) REPORT TO CONGRESS.—

10           “(1) IN GENERAL.—Not later than 180 days  
11 after the date on which the study under subsection  
12 (a) is concluded, the Administrator, in conjunction  
13 with the Commissioner of Food and Drugs, shall  
14 submit to the committees described in paragraph (2)  
15 a report describing recommendations to establish a  
16 program to reduce litter from, and the environ-  
17 mental impacts of, single-use tobacco filter products  
18 and electronic cigarettes.

19           “(2) COMMITTEES.—The committees referred  
20 to in paragraph (1) are—

21           “(A) the Committee on Health, Education,  
22 Labor, and Pensions of the Senate;

23           “(B) the Committee on Environment and  
24 Public Works of the Senate;



1           “(C) the Committee on Commerce,  
2           Science, and Transportation of the Senate; and

3           “(D) the Committee on Energy and Com-  
4           merce of the House of Representatives.

5           “(c) PUBLICATION.—On submission of the report  
6 under subsection (b)(1), the Administrator, in conjunction  
7 with the Commissioner of Food and Drugs, shall publish  
8 in the Federal Register for public comment—

9           “(1) the report; and

10          “(2) a description of the actions the Adminis-  
11          trator and the Commissioner of Food and Drugs in-  
12          tend to take during the 1-year period after the date  
13          of publication to reduce litter from, and the environ-  
14          mental impacts of, single-use tobacco filter products  
15          and electronic cigarettes, including recommendations  
16          for incorporating plastic tobacco filters and elec-  
17          tronic cigarette components into an extended pro-  
18          ducer responsibility program.

19          **“PART III—RECYCLING AND COMPOSTING**

20          **“SEC. 12301. RECYCLING AND COMPOSTING COLLECTION.**

21          “The Administrator, in consultation with Organiza-  
22          tions, State and local governments, and affected stake-  
23          holders, shall issue guidance to standardize recycling and  
24          composting collection across communities and States.

1 **“SEC. 12302. REQUIREMENTS FOR THE PRODUCTION OF**  
2 **PRODUCTS CONTAINING RECYCLED CON-**  
3 **TENT.**

4 “(a) PLASTIC BEVERAGE CONTAINERS.—

5 “(1) IN GENERAL.—Subject to paragraph (2),  
6 the Administrator shall require each responsible  
7 party for plastic beverage containers to make the  
8 plastic beverage containers—

9 “(A) by 2025, of 25 percent post-consumer  
10 recycled content from United States sources;

11 “(B) by 2030, of 50 percent post-consumer  
12 recycled content from United States sources;

13 “(C) by 2035, of 70 percent post-consumer  
14 recycled content from United States sources;

15 “(D) by 2040, of 80 percent post-consumer  
16 recycled content from United States sources;  
17 and

18 “(E) by such dates thereafter as the Ad-  
19 ministrator shall establish, such percentages of  
20 post-consumer recycled content from United  
21 States sources as the Administrator determines  
22 by a rule to be appropriate.

23 “(2) ADJUSTMENT.—After consideration of the  
24 results of the study under subsection (b)(1), the Ad-  
25 ministrator may issue regulations to modify 1 or

1 more of the percentages described in subparagraphs  
2 (A) through (D) of paragraph (1).

3 “(3) NONTOXIC REQUIREMENT.—The Adminis-  
4 trator shall require each responsible party for plastic  
5 beverage containers to ensure that, effective begin-  
6 ning on February 1, 2023, the plastic beverage con-  
7 tainers do not contain any toxic substances.

8 “(b) OTHER COVERED PRODUCTS AND BEVERAGE  
9 CONTAINERS.—

10 “(1) STUDY.—The Administrator, in coordina-  
11 tion with the Director of the National Institute of  
12 Standards and Technology, the Commissioner of  
13 Food and Drugs, and the head of any other relevant  
14 Federal agency, shall carry out a study to determine  
15 the technical and safe minimum post-consumer recy-  
16 cled content requirements for covered products and  
17 beverage containers, including beverage containers  
18 composed of glass, aluminum, and other materials.

19 “(2) REPORT.—

20 “(A) IN GENERAL.—Not later than 1 year  
21 after the date of enactment of this subtitle, the  
22 Administrator shall submit to Congress a report  
23 describing the results of the study under para-  
24 graph (1), including—

1           “(i) an estimate of the current and  
2           projected consumption of covered products  
3           and use of beverage containers in the  
4           United States;

5           “(ii) an estimate of current and pro-  
6           jected future recycling rates of covered  
7           products and beverage containers in the  
8           United States;

9           “(iii) an assessment of techniques and  
10          recommendations to minimize the creation  
11          of new materials for covered products and  
12          beverage containers; and

13          “(iv) an assessment of—

14               “(I) post-consumer recycled con-  
15               tent standards for covered products  
16               and beverage containers that are tech-  
17               nologically feasible; and

18               “(II) the impact of the standards  
19               described in subclause (I) on recycling  
20               rates of covered products and bev-  
21               erage containers.

22          “(B) PUBLICATION.—On submission of the  
23          report under subparagraph (A) to Congress, the  
24          Administrator shall publish in the Federal Reg-  
25          ister for public comment—

1 “(i) the report; and

2 “(ii) a description of the actions the  
3 Administrator intends to take during the  
4 1-year period after the date of publication  
5 in the Federal Register to establish min-  
6 imum post-consumer recycled content  
7 standards for covered products and bev-  
8 erage containers.

9 “(3) MINIMUM STANDARDS.—

10 “(A) IN GENERAL.—Not later than 1 year  
11 after the Administrator publishes the report  
12 under paragraph (2)(B), the Administrator  
13 shall establish minimum post-consumer recycled  
14 content standards for covered products and bev-  
15 erage containers.

16 “(B) REQUIREMENT.—The standards es-  
17 tablished under subparagraph (A) shall increase  
18 the percentage by which covered products and  
19 beverage containers shall be composed of post-  
20 consumer recycled content over a time period  
21 established by the Administrator.

22 **“SEC. 12303. DESIGNING FOR THE ENVIRONMENT.**

23 “(a) IN GENERAL.—The Administrator shall require  
24 each responsible party for covered products and beverage  
25 containers to design the covered products and beverage

1 containers to minimize the environmental and health im-  
2 pacts of the covered products and beverage containers.

3 “(b) REQUIREMENTS.—In designing covered prod-  
4 ucts and beverage containers in accordance with sub-  
5 section (a), to minimize the impacts of extraction, manu-  
6 facture, use, and end-of-life management, a responsible  
7 party shall consider—

8 “(1) eliminating or reducing the quantity of  
9 material used;

10 “(2) effective beginning on February 1, 2023,  
11 eliminating toxic substances;

12 “(3) eliminating or reducing mixed-polymer and  
13 mixed-material packaging;

14 “(4) reducing the use of all additives;

15 “(5) designing for reuse, refill, and lifespan ex-  
16 tension;

17 “(6) incorporating recycled materials;

18 “(7) designing to reduce environmental impacts  
19 across the lifecycle of a product;

20 “(8) incorporating sustainably and renewably  
21 sourced material;

22 “(9) optimizing material to use the minimum  
23 quantity of packaging necessary to effectively deliver  
24 a product without damage or spoilage;

1           “(10) degradability of materials in cold-water  
2 environments; and

3           “(11) improving recyclability and composta-  
4 bility.

5           “(c) ENFORCEMENT.—

6           “(1) IN GENERAL.—If the Administrator deter-  
7 mines that a responsible party for covered products  
8 or beverage containers has not designed covered  
9 products or beverage containers in accordance with  
10 subsection (b), the Administrator—

11           “(A) in the case of the first violation, shall  
12 provide that responsible party with written noti-  
13 fication regarding the violation of the require-  
14 ment under that subsection; and

15           “(B) in the case of any subsequent viola-  
16 tion, may impose on the responsible party a fine  
17 in an amount of not more than \$70,117, as de-  
18 termined by the Administrator, for each viola-  
19 tion.

20           “(2) USE OF FEES.—The Administrator shall  
21 transfer the amounts of fees collected under para-  
22 graph (1) to the Reduction, Recycling, and Litter  
23 Cleanup Trust Fund established by section 9512 of  
24 the Internal Revenue Code of 1986.

1 **“SEC. 12304. PRODUCT LABELING.**

2 “(a) IN GENERAL.—A responsible party shall include  
3 labels on covered products and beverage containers that—

4 “(1) are easy to read; and

5 “(2) indicate that the covered product or bev-  
6 erage container is—

7 “(A) recyclable;

8 “(B) not recyclable;

9 “(C) compostable; or

10 “(D) reusable;

11 “(3) in the case of a covered product or bev-  
12 erage container that is not recyclable, does not in-  
13 clude the universal chasing arrows recycling symbol  
14 or any other similar symbol that would lead a con-  
15 sumer to believe that the item should be sorted for  
16 recycling;

17 “(4) in the case of a plastic bag that is not  
18 compostable, is not tinted green or brown;

19 “(5) in the case of a compostable bag, is tinted  
20 green or brown and includes information identifying  
21 the entity designated by the Administrator that has  
22 certified that the product is compostable;

23 “(6) in the case of a covered product or bev-  
24 erage container that is compostable, includes a green  
25 or brown stripe or similar marking to identify that  
26 the item is compostable; and



1           “(7) in the case of a covered wipe product (as  
2           defined in subsection (a) of section 12305), satisfy  
3           the requirements under the regulations issued under  
4           subsection (b) of that section.

5           “(b) STANDARDIZED LABELS.—Not later than 2  
6           years after the date of enactment of this subtitle, the Ad-  
7           ministrators shall establish or approve a standardized label  
8           for each category of covered product and beverage con-  
9           tainer to be used by responsible parties under subsection  
10          (a).

11          “(c) REQUIREMENT.—A label described in subsection  
12          (a), including a shrink sleeve—

13                 “(1) shall be compatible with the intended  
14                 method of discard for the covered product or bev-  
15                 erage container; and

16                 “(2) shall not require removal by consumers.

17          “(d) COMPATIBILITY.—The Administrator shall en-  
18          courage label manufacturers, in coordination with the sup-  
19          ply chains of those manufacturers, including substrate  
20          suppliers, converters, and ink suppliers, to work with the  
21          recycling industry to address label recycling compatibility  
22          challenges.

23          “(e) ENFORCEMENT.—

24                 “(1) PROHIBITION.—It shall be unlawful for  
25                 any person that is a responsible party for a covered

1 product or beverage sold in a beverage container to  
2 sell, use, or distribute any covered product or bev-  
3 erage sold in a beverage container in commerce ex-  
4 cept in compliance with this section.

5 “(2) CIVIL PENALTY.—Any person that violates  
6 paragraph (1) shall be subject to a fine for each vio-  
7 lation and for each day that the violation occurs in  
8 an amount of not more than \$70,117, as determined  
9 by the Administrator.

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

15 “(4) STATE ENFORCEMENT.—The Adminis-  
16 trator may permit a State to carry out enforcement  
17 under paragraph (2) or (3) if the Administrator de-  
18 termines that the State meets such requirements as  
19 the Administrator may establish.

20 **“SEC. 12305. ‘DO NOT FLUSH’ LABELING.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) COMBINED PRODUCT.—The term ‘com-  
23 bined product’ means 2 or more products sold in  
24 shared retail packaging, of which—

1           “(A) at least 1 of the products is a covered  
2 wipe product; and

3           “(B) at least 1 of the products is another  
4 consumer product intended to be used in com-  
5 bination with that covered wipe product.

6           “(2) COVERED ENTITY.—The term ‘covered en-  
7 tity’ means a manufacturer, wholesaler, supplier, or  
8 retailer that is responsible for the labeling or pack-  
9 aging of a covered wipe product that is sold, pro-  
10 duced, or offered for sale in the United States.

11           “(3) COVERED WIPE PRODUCT.—

12           “(A) IN GENERAL.—The term ‘covered  
13 wipe product’ means a premoistened, nonwoven  
14 disposable wipe sold or offered for sale—

15                   “(i) that is marketed as a baby wipe  
16 or diapering wipe; or

17                   “(ii) that—

18                           “(I) is composed entirely, or in  
19 part, of petrochemical-derived fibers;  
20 and

21                           “(II) has significant potential to  
22 be flushed.

23           “(B) INCLUSIONS.—The term ‘covered  
24 wipe product’ includes—

1           “(i) antibacterial wipes and dis-  
2           infecting wipes;

3           “(ii) wipes intended for general pur-  
4           pose cleaning or bathroom cleaning, includ-  
5           ing toilet cleaning and hard surface clean-  
6           ing; and

7           “(iii) wipes intended for personal care  
8           use on the body, including hand sanitizing,  
9           makeup removal, feminine hygiene, adult  
10          hygiene (including incontinence hygiene),  
11          and body cleansing.

12          “(4) HIGH CONTRAST.—

13           “(A) IN GENERAL.—The term ‘high con-  
14           trast’ means, with respect to a symbol or label  
15           notice, that the symbol or label notice—

16           “(i) is light on a solid dark back-  
17           ground or dark on a solid light back-  
18           ground; and

19           “(ii) has a contrast percentage of at  
20           least 70 percent between that symbol or  
21           label notice and the background, using the  
22           formula described in subparagraph (B).

23           “(B) CONTRAST PERCENTAGE.—The con-  
24           trast percentage referred to in subparagraph  
25           (A)(ii) is the product obtained by multiplying—

1                   “(i) the quotient obtained by divid-  
2                   ing—

3                   “(I) the difference between—

4                    “(aa) the light reflectance  
5                    value of a lighter area; and

6                    “(bb) the light reflectance  
7                    value of a darker area; by

8                   “(II) the light reflectance value  
9                   of the lighter area described in sub-  
10                  clause (I)(aa); and

11                  “(ii) 100.

12                  “(5) LABEL NOTICE.—The term ‘label notice’  
13                  means the written phrase ‘Do Not Flush’.

14                  “(6) PRINCIPAL DISPLAY PANEL.—The term  
15                  ‘principal display panel’ means the side of a product  
16                  package—

17                   “(A) that is most likely to be displayed,  
18                   presented, or shown under customary conditions  
19                   of display for retail sale; and

20                   “(B)(i) in the case of a cylindrical or near-  
21                   cylindrical package, the surface area of which  
22                   constitutes at least 40 percent of the product  
23                   package, as measured by multiplying the height  
24                   by the circumference of the package; or

1           “(ii) in the case of a flexible film package  
2           in which a rectangular prism or near-rectan-  
3           gular prism stack of wipes is housed within the  
4           film, the surface area of which is measured by  
5           multiplying the length by the width of the side  
6           of the package when the flexible packaging film  
7           is pressed flat against the stack of wipes on all  
8           sides of the stack.

9           “(7) SYMBOL.—The term ‘symbol’ means—

10           “(A) the ‘Do Not Flush’ symbol, as de-  
11           picted in the Guidelines for Assessing the  
12           Flushability of Disposable Nonwoven Products  
13           (Edition 4; May 2018) published by the Asso-  
14           ciation of the Nonwoven Fabrics Industry and  
15           the European Disposables And Nonwovens As-  
16           sociation; or

17           “(B) a symbol otherwise identical to the  
18           symbol described in subparagraph (A) depicting  
19           an individual of another gender.

20           “(b) REGULATIONS.—Not later than 2 years after  
21           the date of enactment of this subtitle, the Administrator  
22           shall issue regulations requiring covered entities to label  
23           covered wipe products clearly and conspicuously in accord-  
24           ance with this section.

25           “(c) REQUIREMENTS.—

1           “(1) CYLINDRICAL PACKAGING.—In issuing reg-  
2           ulations under subsection (b), the Administrator  
3           shall require a covered wipe product sold in cylin-  
4           drical or near-cylindrical packaging, and intended to  
5           dispense individual wipes, to have—

6                   “(A) the symbol and label notice on the  
7                   principal display panel in a location reasonably  
8                   visible to the user each time a wipe is dis-  
9                   pensed; or

10                   “(B) the symbol on the principal display  
11                   panel and the label notice, or a combination of  
12                   the label notice and symbol, on a flip lid in a  
13                   manner that covers at least 8 percent of the  
14                   surface area of the flip lid.

15           “(2) FLEXIBLE FILM PACKAGING.—In issuing  
16           regulations under subsection (b), the Administrator  
17           shall require a covered wipe product sold in flexible  
18           film packaging, and intended to dispense individual  
19           wipes, to have—

20                   “(A) the symbol on the principal display  
21                   panel and, if the principal display panel is not  
22                   on the dispensing side of the packaging, on the  
23                   dispensing side panel; and

24                   “(B) the label notice on the principal dis-  
25                   play panel or the dispensing side panel, in a

1           prominent location reasonably visible to the  
2           user each time a wipe is dispensed.

3           “(3) RIGID PACKAGING.—In issuing regulations  
4           under subsection (b), the Administrator shall require  
5           a covered wipe product sold in a refillable tub or  
6           other rigid packaging that may be reused by a cus-  
7           tomer, and intended to dispense individual wipes, to  
8           have the symbol and label notice on the principal  
9           display panel in a prominent location reasonably  
10          visible to the user each time a wipe is dispensed.

11          “(4) PACKAGING NOT INTENDED TO DISPENSE  
12          INDIVIDUAL WIPES.—In issuing regulations under  
13          subsection (b), the Administrator shall require a cov-  
14          ered wipe product sold in packaging that is not in-  
15          tended to dispense individual wipes to have the sym-  
16          bol and label notice on the principal display panel in  
17          a prominent location reasonably visible to the user  
18          of the covered wipe product.

19          “(5) BULK PACKAGING.—

20                 “(A) IN GENERAL.—In issuing regulations  
21                 under subsection (b), the Administrator shall  
22                 require a covered wipe product sold in bulk at  
23                 retail to have labeling in compliance with those  
24                 regulations on both the outer packaging visible



1 at retail and the individual packaging contained  
2 within the outer packaging.

3 “(B) EXEMPTION.—The Administrator  
4 shall exempt from the requirements under sub-  
5 paragraph (A) the following:

6 “(i) Individually packaged covered  
7 wipe products that—

8 “(I) are contained within outer  
9 packaging;

10 “(II) are not intended to dis-  
11 pense individual wipes; and

12 “(III) have no retail labeling.

13 “(ii) Outer packaging that does not  
14 obscure the symbol and label notice on in-  
15 dividually packaged covered wipe products  
16 contained within.

17 “(6) PACKAGING OF COMBINED PRODUCTS.—

18 “(A) OUTER PACKAGING.—In issuing regu-  
19 lations under subsection (b), the Administrator  
20 shall exempt the outer packaging of a combined  
21 product from the requirements of those regula-  
22 tions.

23 “(B) PACKAGES LESS THAN 3 BY 3  
24 INCHES.—In issuing regulations under sub-  
25 section (b), the Administrator shall provide

1 that, with respect to a covered wipe product in  
2 packaging smaller than 3 inches by 3 inches  
3 (such as an individually packaged wipe in tear-  
4 top packaging) and sold as part of a combined  
5 product, if a symbol and label notice are placed  
6 in a prominent location reasonably visible to the  
7 user of the covered wipe product, that covered  
8 wipe product shall be considered to be labeled  
9 clearly and conspicuously in accordance with  
10 those regulations.

11 “(d) REASONABLE VISIBILITY OF SYMBOL AND  
12 LABEL NOTICE.—

13 “(1) IN GENERAL.—In requiring the symbol  
14 and label notice under this section, the Adminis-  
15 trator shall require that—

16 “(A) packaging seams or folds or other  
17 packaging design elements do not obscure the  
18 symbol or label notice;

19 “(B) the symbol and label notice are each  
20 equal in size to at least 2 percent of the surface  
21 area of the principal display panel; and

22 “(C) except as provided in paragraph (3),  
23 the symbol and label notice have high contrast  
24 with the immediate background of the pack-  
25 aging such that the symbol and label notice

1           may be seen and read by an ordinary individual  
2           under customary conditions of purchase and  
3           use.

4           “(2) PROXIMITY OF SYMBOL AND LABEL NO-  
5           TICE.—In requiring the symbol and label notice  
6           under this section, the Administrator may allow a  
7           symbol and label notice on a principal display panel  
8           to be placed adjacently or on separate areas of the  
9           principal display panel.

10           “(3) EXCEPTION.—Paragraph (1)(C) shall not  
11           apply to an embossed symbol or label notice on the  
12           flip lid of a covered wipe product sold in cylindrical  
13           or near-cylindrical packaging.

14           “(e) ADDITIONAL WORDS OR PHRASES.—In issuing  
15           regulations under subsection (b), the Administrator shall  
16           allow additional words or phrases on a covered wipe prod-  
17           uct that describe consequences associated with flushing or  
18           disposing of that covered wipe product, if those words or  
19           phrases are consistent with the purposes of this section.

20           “(f) REPRESENTATIONS OF FLUSHABILITY.—In  
21           issuing regulations under subsection (b), the Adminis-  
22           trator shall prohibit, with respect to a covered wipe prod-  
23           uct, the representation or marketing of flushable at-  
24           tributes, performance, or efficacy benefits.

25           “(g) COMPLIANCE WITH OTHER REQUIREMENTS.—

1           “(1) FIFRA REQUIREMENTS.—In issuing regu-  
2           lations under subsection (b), the Administrator shall  
3           include, with respect to a covered wipe product that  
4           contains a pesticide required to be registered under  
5           the Federal Insecticide, Fungicide, and Rodenticide  
6           Act (7 U.S.C. 136 et seq.), the following:

7                   “(A) Instructions describing how such a  
8                   covered wipe product may comply with the re-  
9                   quirements of that Act and the regulations  
10                  issued under subsection (b).

11                  “(B) A requirement that, not later than 90  
12                  days after the date on which regulations are  
13                  issued under subsection (b), a covered entity  
14                  shall submit for approval by the Administrator  
15                  a product label compliant with the instructions  
16                  under subparagraph (A).

17           “(2) TYPE SIZE.—

18                   “(A) FIFRA.—In issuing regulations  
19                   under subsection (b), the Administrator shall  
20                   require, in the case of a covered wipe product  
21                   described in paragraph (1) that (by operation of  
22                   requirements under the Federal Insecticide,  
23                   Fungicide, and Rodenticide Act (7 U.S.C. 136  
24                   et seq.) with respect to a pesticide in that cov-  
25                   ered wipe product) is required to display a

1 warning, if the requirements of those regula-  
2 tions would result in a type size for a label no-  
3 tice on the principal display panel of that cov-  
4 ered wipe product larger than that warning,  
5 that the type size for the label notice shall be  
6 equal to or greater than the type size required  
7 for the ‘keep out of reach of children’ statement  
8 under that Act.

9 “(B) FHSA.—In issuing regulations under  
10 subsection (b), the Administrator shall ensure  
11 that if a covered wipe product is subject to a  
12 labeling requirement under section 2(p)(1) of  
13 the Federal Hazardous Substances Act (15  
14 U.S.C. 1261(p)(1)) and the requirements of  
15 those regulations would result in a type size for  
16 a label notice larger than first aid instructions  
17 required under that section, the type size for  
18 the label notice shall be equal to or greater than  
19 the type size required for those first aid instruc-  
20 tions.

21 “(h) APPLICABILITY.—The Administrator shall pro-  
22 vide that the regulations issued under subsection (b) shall  
23 apply with respect to covered wipe products manufactured  
24 on or after the date that is 90 days after the date on which  
25 those regulations are issued.



1           “(3) RESIDENTIAL RECYCLING AND  
2 COMPOSTING PROGRAM.—The term ‘residential recycling and composting program’ means a recycling  
3 and composting program that services single family  
4 dwellings, multifamily dwellings or facilities, or both.

5           “(c) GUIDELINES.—Not later than 2 years after the  
6 date of enactment of this subtitle, the Administrator shall  
7 develop and publish guidelines for a national standardized  
8 labeling system for an Organization to use to develop labels that—  
9  
10

11           “(1) use a national standardized methodology  
12 of colors, images, format, and terminology, including  
13 to address diverse ethnic populations;

14           “(2) shall be placed on recycling and  
15 composting receptacles in public spaces and the service area of the Organization in accordance with  
16 paragraphs (1)(D) and (2) of subsection (e); and

17           “(3) communicate to users of those recycling  
18 and composting receptacles—

19           “(A) the specific recyclables and  
20 compostables that the Organization accepts;  
21 and  
22

23           “(B) the specific rules of sorting for that  
24 Organization.

25           “(d) DEVELOPMENT OF LABELS.—

1           “(1) IN GENERAL.—Each Organization in the  
2           United States shall, in accordance with the guide-  
3           lines published under subsection (c), use the national  
4           standardized labeling system to develop labels for  
5           use on recycling and composting receptacles in pub-  
6           lic spaces and the service area of the Organization  
7           to communicate to users of those recycling and  
8           composting receptacles—

9                   “(A) the specific recyclables and  
10                   compostables that the Organization accepts;  
11                   and

12                   “(B) the specific rules of sorting for that  
13                   Organization.

14           “(2) SIMPLE AND DETAILED VERSIONS.—In de-  
15           veloping labels under paragraph (1), an Organiza-  
16           tion shall develop—

17                   “(A) a simple version of the label for use  
18                   on recycling and composting receptacles used in  
19                   public spaces, which shall list the basic  
20                   recyclables and compostables that the Organiza-  
21                   tion accepts; and

22                   “(B) a detailed version of the label for use  
23                   on recycling and composting receptacles used as  
24                   part of a residential recycling and composting  
25                   program, taking into consideration the com-



1           plexity of the packaging and products disposed  
2           of by single family dwellings and multifamily  
3           dwellings and facilities.

4           “(e) DISTRIBUTION OF LABELS.—

5           “(1) SIMPLE VERSION.—

6           “(A) IN GENERAL.—An Organization shall  
7           distribute the simple version of the label devel-  
8           oped by that Organization under subsection  
9           (d)(2)(A) to each customer of that Organization  
10          that owns or operates a public space in the  
11          service area of the Organization.

12          “(B) QUANTITY.—The quantity of labels  
13          distributed to an owner or operator of a public  
14          space under subparagraph (A) shall be reason-  
15          ably sufficient to ensure that a label may be  
16          placed on each recycling and composting recep-  
17          tacle in that public space.

18          “(C) ADDITIONAL LABELS.—If the quan-  
19          tity of labels distributed under subparagraph  
20          (B) is insufficient, an Organization shall make  
21          available to owners and operators described in  
22          subparagraph (A) additional labels to purchase  
23          or download.

24          “(D) REQUIREMENT OF OWNERS AND OP-  
25          ERATORS.—An owner or operator of a public

1 space that receives labels under subparagraph  
2 (A) shall display the labels on the recycling and  
3 composting receptacles in that public space.

4 “(2) DETAILED VERSION.—An Organization or  
5 municipality, as applicable, that services a residen-  
6 tial recycling and composting program in the area  
7 served by an Organization shall display a detailed  
8 standardized label developed by that Organization  
9 under subsection (d)(2)(B) on each recycling and  
10 composting receptacle used by the residential recy-  
11 cling and composting program.

12 **“SEC. 12307. PROHIBITION ON CERTAIN EXPORTS OF**  
13 **WASTE.**

14 “No person may export from the United States plas-  
15 tic waste, plastic parings, or scraps of plastic—

16 “(1) to a country that is not a member of the  
17 Organization for Economic Cooperation and Devel-  
18 opment;

19 “(2) without the prior informed consent of the  
20 relevant authorities in a receiving country that is a  
21 member of the Organization for Economic Coopera-  
22 tion and Development, if those exports—

23 “(A) are not of a single, nonhalogenated  
24 plastic polymer;

1           “(B) are contaminated with greater than  
2           0.5 percent of—

3           “(i) other plastics; or

4           “(ii) other materials, including—

5                 “(I) labels, adhesives, varnishes,  
6                 waxes, inks, and paints; and

7                 “(II) composite materials mixing  
8                 plastics with nonplastic materials; or

9           “(C) are to be re-exported to a country  
10           that is not a member of the Organization for  
11           Economic Cooperation and Development; or

12           “(3) that are contaminated with—

13                 “(A) hazardous chemicals;

14                 “(B) effective beginning on February 1,  
15                 2023, toxic substances; or

16                 “(C) other substances, to the extent that  
17                 the export becomes hazardous waste.

18           **“PART IV—LOCAL GOVERNMENT EFFORTS**

19           **“SEC. 12401. PROTECTION OF LOCAL GOVERNMENTS.**

20           “Nothing in this subtitle or section 4056 of the Inter-  
21           nal Revenue Code of 1986 preempts any State or local  
22           law in effect on or after the date of enactment of this sub-  
23           title that—

1           “(1) requires the collection and recycling of  
2           recyclables in a greater quantity than required under  
3           section 12105(g);

4           “(2) prohibits the sale or distribution of prod-  
5           ucts that are not prohibited under part II;

6           “(3) requires products to be made of a greater  
7           percentage of post-consumer recycled content than  
8           required under section 12302;

9           “(4) imposes a fee or other charge for products  
10          not subject to taxation under section 4056 of the In-  
11          ternal Revenue Code of 1986; or

12          “(5) in any way exceeds the requirements of  
13          this subtitle.

14   **“SEC. 12402. CLEAN COMMUNITIES PROGRAM.**

15          “The Administrator shall establish a program, to be  
16          known as the ‘Clean Communities Program’, under which  
17          the Administrator shall leverage smart technology and so-  
18          cial media to provide technical assistance to units of local  
19          government of States in cost-effectively—

20                 “(1) identifying concentrated areas of pollution  
21                 in that unit of local government; and

22                 “(2) implementing source reduction solutions.

1    **“PART V—REDUCTION OF OTHER SOURCES OF**  
2                                   **PLASTIC POLLUTION**  
3    **“SEC. 12501. STUDY AND ACTION ON DERELICT FISHING**  
4                                   **GEAR.**

5           “(a) REPORT.—Not later than 2 years after the date  
6 of enactment of this subtitle, the Under Secretary of Com-  
7 merce for Oceans and Atmosphere (referred to in this sec-  
8 tion as the ‘Under Secretary’) shall submit to the Com-  
9 mittee on Commerce, Science, and Transportation and the  
10 Committee on Environment and Public Works of the Sen-  
11 ate and the Committee on Natural Resources of the House  
12 of Representatives a report that includes—

13                   “(1) an analysis of the scale of fishing gear  
14 losses by United States and foreign fisheries, includ-  
15 ing—

16                                   “(A) the variance in the quantity of gear  
17 lost among—

18   “(i) domestic and foreign fisheries;

19   “(ii) types of fishing gear; and

20   “(iii) methods of fishing;

21                                   “(B) the means by which lost fishing gear  
22 is transported by ocean currents; and

23                                   “(C) common reasons that fishing gear is  
24 lost;

1           “(2) an evaluation of the ecological, human  
2 health, and maritime safety impacts of derelict fish-  
3 ing gear, and how those impacts vary across—

4                   “(A) types of fishing gear;

5                   “(B) materials used to construct fishing  
6 gear; and

7                   “(C) geographic location;

8           “(3) recommendations on management meas-  
9 ures—

10                   “(A) to prevent fishing gear losses; and

11                   “(B) to reduce the impacts of lost fishing  
12 gear;

13           “(4) an assessment of the cost of implementing  
14 management measures described in paragraph (3);  
15 and

16           “(5) an assessment of the impact of fishing  
17 gear loss attributable to foreign countries.

18           “(b) PUBLICATION.—On submission of the report  
19 under subsection (a), the Under Secretary shall publish  
20 in the Federal Register for public comment—

21                   “(1) the report; and

22                   “(2) a description of the actions the Under Sec-  
23 retary intends to take during the 1-year period after  
24 the date of publication to reduce litter from, and the  
25 environmental impacts of, commercial fishing gear.

1 **“SEC. 12502. MANDATORY FILTRATION STANDARD FOR**  
2 **CLOTHES WASHERS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) BUILT-IN FILTRATION UNIT.—The term  
5 ‘built-in filtration unit’ means a required filtration  
6 unit that is built into a newly manufactured clothes  
7 washer.

8 “(2) COMMERCIAL CLOTHES WASHING BUSI-  
9 NESS.—The term ‘commercial clothes washing busi-  
10 ness’ means a business establishment containing 1  
11 or more clothes washers, including self-service  
12 clothes cleaning establishments.

13 “(3) LOW-INCOME INDIVIDUAL.—The term  
14 ‘low-income individual’ has the meaning given the  
15 term in section 3 of the Workforce Innovation and  
16 Opportunity Act (29 U.S.C. 3102).

17 “(4) REQUIRED FILTRATION UNIT.—The term  
18 ‘required filtration unit’ means a filtration unit that  
19 has a mesh size of not greater than 100 microm-  
20 eters.

21 “(5) RETROFIT FILTRATION UNIT.—The term  
22 ‘retrofit filtration unit’ means a required filtration  
23 unit that—

24 “(A) is an-line filtration unit; and

25 “(B) may be retrofit onto an existing  
26 clothes washer.

1 “(b) FILTRATION UNITS REQUIRED.—

2 “(1) COMMERCIAL, INDUSTRIAL, AND GOVERN-  
3 MENT-CONTRACTED CLOTHES WASHERS.—

4 “(A) IN GENERAL.—The Administrator  
5 shall ensure that—

6 “(i) not later than January 1, 2023,  
7 each government-contracted commercial  
8 clothes washer has a required filtration  
9 unit; and

10 “(ii) not later than January 1, 2024,  
11 each commercial clothes washer and indus-  
12 trial clothes washer has a required filtra-  
13 tion unit.

14 “(B) NEW OR RETROFIT.—The require-  
15 ment under subparagraph (A) may be met by—

16 “(i) the installation of a retrofit filtra-  
17 tion unit on a previously purchased clothes  
18 washer; or

19 “(ii) the purchase of a new clothes  
20 washer that has a built-in filtration unit.

21 “(2) GENERAL REQUIREMENT.—The Adminis-  
22 trator shall ensure that all new clothes washers, in-  
23 cluding residential clothes washers, sold in interstate  
24 commerce in the United States on and after January  
25 1, 2025, have built-in filtration units.



1 “(c) GRANT, LOAN, AND FUNDING PROGRAMS.—

2 “(1) GOVERNMENT-CONTRACTED CLOTHES  
3 WASHERS.—The Administrator shall coordinate  
4 funding among other Federal agencies to ensure  
5 that the Federal Government meets the requirement  
6 under subsection (b)(1)(A)(i).

7 “(2) COMMERCIAL AND INDUSTRIAL CLOTHES  
8 WASHERS.—The Administrator may provide low-in-  
9 terest or forgivable loans to commercial clothes  
10 washing businesses to meet the requirement under  
11 subsection (b)(1)(A)(ii).

12 “(3) INDIVIDUALS.—The Administrator may  
13 provide grants, low-interest loans, or some combina-  
14 tion of grants and low-interest loans to low-income  
15 individuals to assist low-income individuals in replac-  
16 ing a clothes washer without a built-in filtration unit  
17 with a clothes washer that has a built-in filtration  
18 unit.

19 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to the Administrator  
21 such sums as are necessary to carry out this section.

22 **“SEC. 12503. STUDY AND ACTION ON MICROFIBER POLLU-**  
23 **TION REDUCTION.**

24 “(a) IN GENERAL.—Not later than 1 year after the  
25 date of enactment of this subtitle, the Administrator, in

1 consultation with the heads of relevant Federal agencies,  
2 shall establish a competitive grant program to provide  
3 grants to eligible entities described in subsection (c) to  
4 carry out microfiber pollution reduction projects in accord-  
5 ance with this section.

6 “(b) OBJECTIVES.—To be eligible for a grant under  
7 subsection (a), a microfiber pollution reduction project  
8 shall accomplish 1 or more of the following objectives:

9 “(1) Improve industry and manufacturing best  
10 practices to reduce the generation of microfiber pol-  
11 lution—

12 “(A) during—

13 “(i) the production of textiles;

14 “(ii) the lifetime use of textiles; or

15 “(iii) the washing and cleaning of tex-  
16 tiles; and

17 “(B) with a focus on increasing the use of  
18 recycled fibers.

19 “(2) Improve filtration technology for the re-  
20 moval of microfiber pollution from—

21 “(A) washing machines; or

22 “(B) wastewater treatment plants.

23 “(c) ELIGIBLE ENTITIES.—An entity that is eligible  
24 to receive a grant under subsection (a) is—

25 “(1) an institution of higher education;

1 “(2) a nonprofit organization;

2 “(3) a State, local, or Tribal government;

3 “(4) a for-profit organization;

4 “(5) a State agency responsible for managing  
5 wastewater treatment plants; or

6 “(6) a Federal agency that has statutory au-  
7 thority to receive transfers of funds.

8 “(d) PRIORITY.—In awarding grants under sub-  
9 section (a), the Administrator shall give priority to a  
10 project that achieves more than 1 of the objectives de-  
11 scribed in subsection (b).

12 “(e) REPORT.—Not later than 2 years after the date  
13 on which the first grant is provided under subsection (a),  
14 the Administrator shall submit to Congress a report de-  
15 scribing the results of the microfiber pollution reduction  
16 projects conducted under this section.

17 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as are nec-  
19 essary to carry out this section.

20 **“SEC. 12504. MICROPLASTICS PILOT PROGRAM.**

21 “(a) DEFINITION OF MICROPLASTIC.—In this sec-  
22 tion, the term ‘microplastic’ means a plastic or plastic-  
23 coated particle that is less than 5 millimeters in any di-  
24 mension.

1       “(b) ESTABLISHMENT.—The Administrator shall es-  
2       tablish a pilot program (referred to in this section as the  
3       ‘pilot program’) to test the efficacy and cost effectiveness  
4       of tools, technologies, and techniques—

5               “(1) to remove microplastics from the environ-  
6       ment; and

7               “(2) to prevent the release of microplastics into  
8       the environment.

9       “(c) REQUIREMENTS.—In carrying out the pilot pro-  
10      gram, the Administrator shall include the testing of—

11              “(1) natural infrastructure;

12              “(2) green infrastructure (as defined in section  
13      502 of the Federal Water Pollution Control Act (33  
14      U.S.C. 1362)); and

15              “(3) mechanical removal systems (such as  
16      pumps) and filtration technologies.

17      “(d) ELIGIBLE PILOT PROGRAM LOCATIONS.—In  
18      carrying out the pilot program, the Administrator may  
19      carry out projects located in—

20              “(1) stormwater systems;

21              “(2) wastewater treatment facilities;

22              “(3) drinking water systems;

23              “(4) ports, harbors, inland waterways, estu-  
24      aries, and marine environments; and

1           “(5) roadways, highways, and other streets  
2           used for vehicular travel.

3           “(e) OUTREACH.—In determining selection criteria  
4           and projects to carry out under the pilot program, the Ad-  
5           ministrators shall conduct outreach to—

6           “(1) the Interagency Marine Debris Coordi-  
7           nating Committee established under section 5(a) of  
8           the Marine Debris Act (33 U.S.C. 1954(a)); and

9           “(2) stakeholders and experts in the applicable  
10          field, as determined by the Administrator.

11          “(f) REPORTS.—

12          “(1) INITIAL REPORT.—Not later than 180  
13          days after the date of enactment of this subtitle, the  
14          Administrator shall submit to Congress a report de-  
15          scribing the outreach conducted under subsection  
16          (e).

17          “(2) SUBSEQUENT REPORT.—Not later than 3  
18          years after the date on which the Administrator es-  
19          tablishes the pilot program, the Administrator shall  
20          submit to Congress a report describing the effective-  
21          ness of projects carried out under the pilot program.

22          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
23          are authorized to be appropriated such sums as are nec-  
24          essary to carry out this section.

1 **“SEC. 12505. GRANT PROGRAM TO SUPPORT INNOVATION**  
2 **IN PACKAGING REDUCTION AND REUSE.**

3 “(a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this subtitle, the Administrator shall  
5 establish a competitive grant program (referred to in this  
6 section as the ‘program’) to provide grants to eligible enti-  
7 ties described in subsection (c) to carry out pilot-scale  
8 packaging reduction or reuse projects in accordance with  
9 this section.

10 “(b) OBJECTIVES.—To be eligible for a grant under  
11 the program, a pilot-scale packaging reduction or reuse  
12 project shall evaluate the efficacy and cost-effectiveness of  
13 tools, technologies, and techniques for 1 or more of the  
14 following objectives:

15 “(1) Expanding reuse and refill programs for—

16 “(A) cleaning materials;

17 “(B) bulk food products; and

18 “(C) beverages.

19 “(2) Assessing best practices for eliminating or  
20 reducing the use of plastic produce bags.

21 “(3) Expanding consumer knowledge of reuse  
22 and refill programs.

23 “(4) Otherwise eliminating or reducing the use  
24 of single-use plastic bags, as determined by the Ad-  
25 ministrator.

1       “(c) ELIGIBLE ENTITIES.—To be eligible to receive  
2 a grant under the program, an entity shall be—

3               “(1) an institution of higher education;

4               “(2) a nonprofit organization;

5               “(3) a State, local, or Tribal government;

6               “(4) a for-profit organization; or

7               “(5) a public-private partnership.

8       “(d) PRIORITIES.—In awarding grants under the  
9 program, the Administrator shall—

10              “(1) give priority to a project that achieves  
11 more than 1 of the objectives described in subsection  
12 (b); and

13              “(2) ensure that a grant is provided to carry  
14 out a project in each region of the Environmental  
15 Protection Agency.

16       “(e) REPORT.—Not later than 3 years after the date  
17 on which the Administrator establishes the program, the  
18 Administrator shall submit to Congress a report describ-  
19 ing the effectiveness of the projects carried out under the  
20 program.

21       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated from the Reduction, Re-  
23 cycling, and Litter Cleanup Trust Fund established by  
24 section 9512 of the Internal Revenue Code of 1986 such  
25 sums as are necessary to carry out the pilot program.

1 **“SEC. 12506. REPORT ON REUSE AND REFILL PRODUCT DE-**  
2 **LIVERY SYSTEMS.**

3 “(a) IN GENERAL.—Not later than 3 years after the  
4 date of enactment of this subtitle, and every 5 years there-  
5 after, the Administrator shall make publicly available a re-  
6 port on feasibility and best practices relating to reuse and  
7 reusability within the following sectors:

8 “(1) Food service, including—

9 “(A) take out;

10 “(B) delivery of prepared meals; and

11 “(C) meal kits.

12 “(2) Consumer food and beverage products.

13 “(3) Consumer cleaning products.

14 “(4) Consumer personal care products.

15 “(5) Transportation or shipping of wholesale  
16 and retail goods.

17 “(6) Other sectors, as identified by the Admin-  
18 istrator.

19 “(b) OBJECTIVES.—The report under subsection (a)  
20 shall evaluate and summarize—

21 “(1) types of reuse and refill product delivery  
22 systems that can be best used at different scales;

23 “(2) job creation opportunities through the use  
24 or expansion of reuse and refill systems;

25 “(3) economic costs and benefits for—



1           “(A) the businesses that deploy reuse and  
2           refill technologies; and

3           “(B) the parties responsible for waste col-  
4           lection and management; and

5           “(4) types of local, State, and Federal support  
6           needed to expand the use of reuse and refill sys-  
7           tems.”.

8           (b) CLERICAL AMENDMENT.—The table of contents  
9           for the Solid Waste Disposal Act (Public Law 89–272; 79  
10          Stat. 997) is amended by inserting after the item relating  
11          to section 11011 the following:

          “Subtitle K—Producer Responsibility for Products and Packaging

“Sec. 12001. Definitions.

          “PART I—PRODUCTS IN THE MARKETPLACE

“Sec. 12101. Extended producer responsibility.

“Sec. 12102. Producer Responsibility Organizations.

“Sec. 12103. Covered product management.

“Sec. 12104. National beverage container program.

“Sec. 12105. Product Stewardship Plans.

“Sec. 12106. Outreach and education.

“Sec. 12107. Reporting.

          “PART II—REDUCTION OF SINGLE-USE PRODUCTS

“Sec. 12201. Prohibition on single-use plastic carryout bags.

“Sec. 12202. Reduction of other single-use products.

“Sec. 12203. Study and action on plastic tobacco filters and electronic ciga-  
          rettes.

          “PART III—RECYCLING AND COMPOSTING

“Sec. 12301. Recycling and composting collection.

“Sec. 12302. Requirements for the production of products containing recycled  
          content.

“Sec. 12303. Designing for the environment.

“Sec. 12304. Product labeling.

“Sec. 12305. ‘Do Not Flush’ labeling.

“Sec. 12306. Recycling and composting receptacle labeling.

“Sec. 12307. Prohibition on certain exports of waste.

          “PART IV—LOCAL GOVERNMENT EFFORTS

“Sec. 12401. Protection of local governments.

“Sec. 12402. Clean Communities Program.

“PART V—REDUCTION OF OTHER SOURCES OF PLASTIC POLLUTION

“Sec. 12501. Study and action on derelict fishing gear.

“Sec. 12502. Mandatory filtration standard for clothes washers.

“Sec. 12503. Study and action on microfiber pollution reduction.

“Sec. 12504. Microplastics pilot program.

“Sec. 12505. Grant program to support innovation in packaging reduction and reuse.

“Sec. 12506. Report on reuse and refill product delivery systems.”.

1 **SEC. 3. IMPOSITION OF TAX ON CARRYOUT BAGS.**

2 (a) GENERAL RULE.—Chapter 31 of the Internal  
3 Revenue Code of 1986 is amended by inserting after sub-  
4 chapter C the following new subchapter:

5 **“Subchapter D—Carryout Bags**

“Sec. 4056. Imposition of tax.

6 **“SEC. 4056. IMPOSITION OF TAX.**

7 “(a) GENERAL RULE.—There is hereby imposed on  
8 any retail sale a tax on each carryout bag provided to a  
9 customer by an applicable entity.

10 “(b) AMOUNT OF TAX.—The amount of tax imposed  
11 by subsection (a) shall be \$0.10 per carryout bag.

12 “(c) LIABILITY FOR TAX.—The applicable entity  
13 shall be liable for the tax imposed by this section.

14 “(d) DEFINITIONS.—For purposes of this section—

15 “(1) APPLICABLE ENTITY.—

16 “(A) IN GENERAL.—Subject to subpara-  
17 graph (B), the term ‘applicable entity’ means—

1           “(i) any restaurant (as defined in sec-  
2           tion 12001 of the Solid Waste Disposal  
3           Act), or

4           “(ii) any business which—

5                 “(I) sells food, alcohol, or any  
6                 other good or product to the public at  
7                 retail, or

8                 “(II) elects to comply with the  
9                 requirements under this section.

10          “(B) EXCEPTION.—

11                 “(i) IN GENERAL.—For purposes of  
12                 this section, the term ‘applicable entity’  
13                 shall not include any entity described in  
14                 subparagraph (A) if the State, or any local  
15                 government or political subdivision thereof,  
16                 in which such entity is located has been  
17                 granted a waiver pursuant to clause (ii).

18                 “(ii) WAIVER.—The Secretary shall  
19                 prescribe rules providing for the waiver of  
20                 application of this section with respect to  
21                 any State, or any local government or po-  
22                 litical subdivision thereof, which has en-  
23                 acted a tax or fee on the provision of car-  
24                 ryout bags which is similar to the tax im-  
25                 posed under this section.

1 “(2) CARRYOUT BAG.—

2 “(A) IN GENERAL.—The term ‘carryout  
3 bag’ means a bag of any material that is pro-  
4 vided to a consumer at the point of sale to  
5 carry or cover purchases, merchandise, or other  
6 items.

7 “(B) EXCEPTIONS.—Such term shall not  
8 include any product described in section  
9 12201(a)(2)(C) of the Solid Waste Disposal  
10 Act.

11 “(e) BAG TAX STATED SEPARATELY ON RECEIPT.—  
12 The tax imposed by subsection (a) shall be separately stat-  
13 ed on the receipt of sale provided to the customer.

14 “(f) EXCEPTIONS.—The tax imposed under sub-  
15 section (a) shall not apply to any carryout bag that is pro-  
16 vided to a customer as part of a transaction in which the  
17 customer is purchasing any item using benefits received  
18 under the supplemental nutrition assistance program es-  
19 tablished under the Food and Nutrition Act of 2008 (7  
20 U.S.C. 2011 et seq.) or the supplemental nutrition pro-  
21 gram for women, infants, and children authorized under  
22 section 17 of the Child Nutrition Act of 1966 (42 U.S.C.  
23 1786).

24 “(g) PENALTIES.—

1           “(1) WRITTEN NOTIFICATION FOR FIRST VIO-  
2           LATION.—If any applicable entity fails to collect the  
3           tax imposed under subsection (a) or satisfy the re-  
4           quirements under subsection (e), the Secretary shall  
5           provide such entity with written notification regard-  
6           ing the violation of the requirements under such  
7           subsections.

8           “(2) SUBSEQUENT VIOLATIONS.—

9           “(A) IN GENERAL.—If any applicable enti-  
10          ty, subsequent to receiving a written notifica-  
11          tion described in paragraph (1), fails to collect  
12          the tax imposed under subsection (a) or satisfy  
13          the requirements under subsection (e), such en-  
14          tity shall pay a penalty in addition to the tax  
15          imposed under this section.

16          “(B) AMOUNT OF PENALTY.—For each  
17          violation during a calendar year, the amount of  
18          the penalty under subparagraph (A) shall be—

19                 “(i) in the case of the first violation,  
20                 \$250,

21                 “(ii) in the case of the second viola-  
22                 tion, \$500, and

23                 “(iii) in the case of the third violation  
24                 or any subsequent violation, \$1,000.

1           “(C) LIMITATION.—In the case of any ap-  
 2           plicable entity with less than \$1,000,000 in  
 3           total revenue for the year preceding the imposi-  
 4           tion of any penalty under this paragraph, any  
 5           such penalty may not be imposed under this  
 6           paragraph more than once during any 7-day pe-  
 7           riod.

8           “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
 9           tion or any regulations promulgated under this section  
 10          shall preempt, limit, or supersede, or be interpreted to pre-  
 11          empt, limit, or supersede—

12           “(1) any law or regulation relating to any tax  
 13          or fee on carryout bags which is imposed by a State  
 14          or local government entity, or any political subdivi-  
 15          sion, agency, or instrumentality thereof, or

16           “(2) any additional fees imposed by any appli-  
 17          cable entity on carryout bags provided to its cus-  
 18          tomers.”.

19          (b) CARRYOUT BAG CREDIT PROGRAM.—Subchapter  
 20          B of chapter 65 of such Code is amended by adding at  
 21          the end the following new section:

22          **“SEC. 6431. CARRYOUT BAG CREDIT PROGRAM.**

23           “(a) ALLOWANCE OF CREDIT.—If—

24           “(1) tax has been imposed under section 4056  
 25          on any carryout bag,

1           “(2) an applicable entity provides such bag to  
2 a customer in a point of sale transaction, and

3           “(3) such entity has kept and can produce  
4 records for purposes of this section and section 4056  
5 that include—

6                   “(A) the total number of carryout bags  
7 provided to customers for which the tax was im-  
8 posed under section 4056(a) and the amounts  
9 passed through to customers for such bags pur-  
10 suant to section 4056(e), and

11                   “(B) the total number of bags for which a  
12 refund was provided to customers pursuant to  
13 a carryout bag credit program,

14 the Secretary shall pay (without interest) to such entity  
15 an amount equal to the applicable amount for each bag  
16 provided by such entity in connection with a point of sale  
17 transaction.

18           “(b) APPLICABLE AMOUNT.—For purposes of sub-  
19 section (a), the applicable amount is an amount equal to—

20                   “(1) in the case of an applicable entity that has  
21 established a carryout bag credit program, \$0.10,  
22 and

23                   “(2) in the case of an applicable entity that has  
24 not established a carryout bag credit program,  
25 \$0.04.





1 Cleanup Trust Fund' (referred to in this section as the  
2 'Trust Fund'), consisting of such amounts as may be ap-  
3 propriated or credited to the Trust Fund as provided in  
4 this section or section 9602(b).

5       “(b) TRANSFERS TO TRUST FUND.—There is hereby  
6 appropriated to the Trust Fund amounts equivalent to—

7               “(1) the amounts received in the Treasury pur-  
8 suant to section 4056; and

9               “(2) the amounts determined by the Secretary  
10 to be equivalent to the amounts of fees collected  
11 under section 12303(c) of the Solid Waste Disposal  
12 Act.

13       “(c) EXPENDITURES FROM TRUST FUND.—Amounts  
14 in the Trust Fund shall be available, as provided by appro-  
15 priation Acts, for—

16               “(1) making payments under section 6431,

17               “(2) making grants for—

18                       “(A) reusable carryout bags, and

19                       “(B) recycling, reuse, and composting in-  
20 frastructure and litter cleanup, and

21               “(3) carrying out the grant program to support  
22 innovation in packaging reduction and reuse under  
23 section 12505 of the Solid Waste Disposal Act.”.

24       (d) STUDY.—Not later than the date which is 18  
25 months after the date of enactment of this Act, the Comp-

1 troller General of the United States shall conduct a study  
2 on the effectiveness of sections 4056, 6431, and 9512 of  
3 the Internal Revenue Code of 1986 (as added by this Act)  
4 at reducing the use of carryout bags and encouraging the  
5 use of reusable bags. The report shall address—

6 (1) the use of plastic or paper single-use carry-  
7 out bags during the period preceding the enactment  
8 of such sections,

9 (2) the effect of such sections on the citizens  
10 and residents of the United States, including—

11 (A) the percentage reduction in the use of  
12 plastic or paper single-use carryout bags as a  
13 result of the enactment of such sections,

14 (B) the opinion among citizens and resi-  
15 dents of the United States regarding the effect  
16 of such sections, disaggregated by race and in-  
17 come level, and

18 (C) the amount of substitution between  
19 other types of plastic bags for single-use carry-  
20 out bags,

21 (3) measures that the Comptroller General de-  
22 termines may increase the effectiveness of such sec-  
23 tions, including the amount of tax imposed on each  
24 carryout bag, and



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

4           (2) COVERED FACILITY.—The term “covered  
5           facility” means—

6                   (A) an industrial facility that transforms  
7                   natural gas liquids into ethylene and propylene  
8                   for later conversion into plastic polymers;

9                   (B) a plastic polymerization or polymer  
10                  production facility;

11                  (C) an industrial facility that repolymerizes  
12                  plastic polymers into chemical feedstocks for  
13                  use in new products or as fuel; and

14                  (D) an industrial facility that generates  
15                  fuel or energy from plastic polymers through  
16                  waste-to-fuel technology, an incinerator, or  
17                  other similar technology, as determined by the  
18                  Administrator.

19           (3) COVERED PRODUCTS.—The term “covered  
20           plastic” means—

21                   (A) ethylene;

22                   (B) propylene;

23                   (C) polyethylene in any form (including  
24                  pellets, resin, nurdle, powder, and flakes);

1 (D) polypropylene in any form (including  
2 pellets, resin, nurdle, powder, and flakes);

3 (E) polyvinyl chloride in any form (includ-  
4 ing pellets, resin, nurdle, powder, and flakes);  
5 or

6 (F) other plastic polymer raw materials in  
7 any form (including pellets, resin, nurdle, pow-  
8 der, and flakes).

9 (4) ENVIRONMENTAL JUSTICE.—The term “en-  
10 vironmental justice” means the fair treatment and  
11 meaningful involvement of all individuals, regardless  
12 of race, color, national origin, educational level, or  
13 income, with respect to the development, implemen-  
14 tation, and enforcement of environmental laws, regu-  
15 lations, and policies to ensure that—

16 (A) communities of color, indigenous com-  
17 munities, and low-income communities have ac-  
18 cess to public information and opportunities for  
19 meaningful public participation with respect to  
20 human health and environmental planning, regu-  
21 lations, and enforcement;

22 (B) no community of color, indigenous  
23 community, or low-income community is ex-  
24 posed to a disproportionate burden of the nega-  
25 tive human health and environmental impacts

1 of pollution or other environmental hazards;  
2 and

3 (C) the 17 principles described in the docu-  
4 ment entitled “The Principles of Environmental  
5 Justice”, written and adopted at the First Na-  
6 tional People of Color Environmental Leader-  
7 ship Summit held on October 24 through 27,  
8 1991, in Washington, DC, are upheld.

9 (5) FENCELINE MONITORING.—The term  
10 “fenceline monitoring” means continuous, real-time  
11 monitoring of ambient air quality around the entire  
12 perimeter of a facility.

13 (6) FRONTLINE COMMUNITY.—

14 (A) IN GENERAL.—The term “frontline  
15 community” means a community located near a  
16 covered facility that has experienced systemic  
17 socioeconomic disparities or other forms of in-  
18 justice.

19 (B) INCLUSIONS.—The term “frontline  
20 community” includes a low-income community,  
21 a community that includes indigenous peoples,  
22 and a community of color.

23 (7) MATERIAL RECOVERY FACILITY.—The term  
24 “material recovery facility” means a solid waste

1 management facility that processes materials for  
2 reuse or recycling.

3 (8) RENEWABLE ENERGY.—The term “renew-  
4 able energy” means energy supplied by a project  
5 that uses wind, solar, geothermal, wave, current,  
6 tidal, or ocean thermal energy to generate electricity.

7 (9) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Army, acting through the Chief  
9 of Engineers.

10 (10) SINGLE-USE PLASTIC.—

11 (A) IN GENERAL.—The term “single-use  
12 plastic” means a plastic product or packaging  
13 that is routinely disposed of, recycled, or other-  
14 wise discarded after a single use.

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

17 (i) medical food, supplements, devices,  
18 or other products determined by the Sec-  
19 retary of Health and Human Services to  
20 necessarily be made of plastic for the pro-  
21 tection of public health; or

22 (ii) packaging that is—

23 (I) for any product described in  
24 clause (i); or

1 (II) used for the shipment of  
2 hazardous materials that is prohibited  
3 from being composed of used mate-  
4 rials under section 178.509 or section  
5 178.522 of title 49, Code of Federal  
6 Regulations (as in effect on the date  
7 of enactment of this Act).

8 (11) TEMPORARY PAUSE PERIOD.—The term  
9 “temporary pause period” means the period—

10 (A) beginning on the date of enactment of  
11 this Act; and

12 (B) ending on the date that is the first  
13 date on which all regulations required under  
14 subsections (d) and (e) are in effect.

15 (12) ZERO-EMISSIONS ENERGY.—

16 (A) IN GENERAL.—The term “zero-emis-  
17 sions energy” means renewable energy the pro-  
18 duction of which emits no greenhouse gases at  
19 the production source.

20 (B) EXCLUSIONS.—The term “zero-emis-  
21 sions energy” does not include any energy gen-  
22 erated by—

23 (i) a waste-to-energy technology;

24 (ii) an incinerator; or



1 (iii) any other similar technology, as  
2 determined by the Administrator.

3 (b) TEMPORARY PAUSE.—

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

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

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

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

13 (B) the Secretary shall not issue a new  
14 permit for a covered facility under section 404  
15 of the Federal Water Pollution Control Act (33  
16 U.S.C. 1344);

17 (C) the Administrator shall object in writ-  
18 ing under subsections (b) and (c) of section 505  
19 of the Clean Air Act (42 U.S.C. 7661d) or sec-  
20 tion 402(d)(2) of the Federal Water Pollution  
21 Control Act (33 U.S.C. 1342(d)(2)), as applica-  
22 ble, to any new permit issued to a covered facil-  
23 ity by a State agency delegated authority under  
24 the Clean Air Act (42 U.S.C. 7401 et seq.) or

1 the Federal Water Pollution Control Act (33  
2 U.S.C. 1251 et seq.); and

3 (D) subject to subsection (g), the export of  
4 covered products is prohibited.

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

8 (A) a material recovery facility; or

9 (B) a compost facility.

10 (c) STUDY.—

11 (1) IN GENERAL.—

12 (A) AGREEMENT.—The Administrator  
13 shall offer to enter into an agreement with the  
14 National Academy of Sciences and the National  
15 Institutes of Health to conduct a study of—

16 (i) the existing and planned expansion  
17 of the industry of the producers of covered  
18 products, including the entire supply chain,  
19 the extraction and refining of feedstocks,  
20 end uses, disposal fate, and lifecycle im-  
21 pacts of covered products;

22 (ii) the environmental justice and pol-  
23 lution impacts of covered facilities and the  
24 products of covered facilities;

1 (iii) the existing standard technologies  
2 and practices of covered facilities with re-  
3 spect to the discharge and emission of pol-  
4 lutants into the environment; and

5 (iv) the best available technologies  
6 and practices that reduce or eliminate the  
7 environmental justice and pollution im-  
8 pacts of covered facilities and the products  
9 of covered facilities.

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

15 (2) REQUIREMENTS.—The study under para-  
16 graph (1) shall—

17 (A) consider—

18 (i) the direct, indirect, and cumulative  
19 environmental impacts of the industries of  
20 covered facilities to date; and

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

1           and environmental justice impacts of those  
2           industries; and

3           (B) recommend technologies, standards,  
4           and practices to remediate or eliminate the  
5           local, regional, national, and international air,  
6           water, waste, climate change, public health, and  
7           environmental justice impacts of covered facili-  
8           ties and the industries related to covered facili-  
9           ties.

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

14          (d) CLEAN AIR.—

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) NATIONAL SOURCE PERFORMANCE STAND-  
20           ARDS IMPLEMENTATION IMPROVEMENTS.—

21           (A) ZERO-EMISSIONS ENERGY.—Not later  
22           than 3 years after the date of enactment of this  
23           Act, the Administrator shall promulgate a final  
24           rule requiring that—

1 (i) covered facilities that manufacture  
2 olefins, including ethylene and propylene,  
3 use only zero-emissions energy sources, ex-  
4 cept to the extent that waste gases are re-  
5 cycled; and

6 (ii) covered facilities that manufacture  
7 low-density polyethylene, linear low-density  
8 polyethylene, high-density polyethylene,  
9 styrene, vinyl chloride, or synthetic organic  
10 fibers use only zero-emissions energy  
11 sources, except to the extent that waste  
12 gases are recycled, unless the Adminis-  
13 trator—

14 (I) determines that under certain  
15 conditions (such as during the com-  
16 mencement or shut down of produc-  
17 tion at a covered facility), expendi-  
18 tures of energy that are not from  
19 zero-emissions energy sources are re-  
20 quired; and

21 (II) publishes the determination  
22 under subclause (I) and a proposed  
23 mixture of zero-emissions energy and  
24 non-zero-emissions energy for those  
25 conditions in a rulemaking.

1 (B) NEW SOURCE PERFORMANCE STAND-  
2 ARDS FOR CERTAIN FACILITIES.—Not later  
3 than 3 years after the date of enactment of this  
4 Act, the Administrator shall promulgate a final  
5 rule—

6 (i) designating ethylene, propylene,  
7 polyethylene, and polypropylene production  
8 facilities as a category of stationary source  
9 under section 111(b)(1)(A) of the Clean  
10 Air Act (42 U.S.C. 7411(b)(1)(A)); and

11 (ii) establishing new source perform-  
12 ance standards for the category of sta-  
13 tionary source designated under clause (i)  
14 under section 111(f)(1) of the Clean Air  
15 Act (42 U.S.C. 7411(f)(1)).

16 (C) STORAGE VESSELS FOR COVERED  
17 PRODUCTS.—Not later than 3 years after the  
18 date of enactment of this Act, the Adminis-  
19 trator shall promulgate a final rule modifying  
20 section 60.112b(a) of title 40, Code of Federal  
21 Regulations (as in effect on the date of enact-  
22 ment of this Act), to ensure that an owner or  
23 operator of a storage vessel containing liquid  
24 with a vapor pressure of equal to or more than  
25 5 millimeters of mercury under actual storage

1 conditions that is regulated under that section  
2 uses—

3 (i) an internal floating roof tank con-  
4 nected to a volatile organic compound con-  
5 trol device; or

6 (ii) a fixed-roof tank connected to a  
7 volatile organic compound control device.

8 (D) FLARING.—Not later than 30 days  
9 after the date of enactment of this Act, the Ad-  
10 ministrator shall promulgate a final rule—

11 (i) modifying title 40, Code of Federal  
12 Regulations (as in effect on the date of en-  
13 actment of this Act), to ensure that flar-  
14 ing, either at ground-level or elevated, shall  
15 only be permitted when necessary solely for  
16 safety reasons; and

17 (ii) modifying sections  
18 60.112b(a)(3)(ii), 60.115b(d)(1), 60.482–  
19 10a(d), 60.662(b), 60.702(b), and 60.562–  
20 1(a)(1)(i)(C) of title 40, Code of Federal  
21 Regulations (as in effect on the date of en-  
22 actment of this Act), to ensure that—

23 (I) references to flare standards  
24 under those sections refer to the flare

1 standards established under clause (i);  
2 and

3 (II) the flare standards under  
4 those sections are, without exception,  
5 continuously applied.

6 (E) SOCMI EQUIPMENT LEAKS.—Not  
7 later than 3 years after the date of enactment  
8 of this Act, the Administrator shall promulgate  
9 a final rule—

10 (i) modifying section 60.482–1a of  
11 title 40, Code of Federal Regulations (as  
12 in effect on the date of enactment of this  
13 Act), to ensure that owners and operators  
14 use process units and components with a  
15 leak-less or seal-less design;

16 (ii) modifying section 60.482–1a(f) of  
17 title 40, Code of Federal Regulations (as  
18 in effect on the date of enactment of this  
19 Act), to ensure that owners and operators  
20 use optical gas imaging monitoring pursu-  
21 ant to section 60.5397a of title 40, Code of  
22 Federal Regulations (as in effect on the  
23 date of enactment of this Act), on a quar-  
24 terly basis, unless the owner or operator  
25 receives approval from the Administrator



1 in writing to use Method 21 of the Envi-  
2 ronmental Protection Agency (as described  
3 in appendix A-7 of part 60 of title 40,  
4 Code of Federal Regulations (as in effect  
5 on the date of enactment of this Act)) with  
6 a repair threshold of 500 parts per million;

7 (iii) modifying 60.482-6a of title 40,  
8 Code of Federal Regulations (as in effect  
9 on the date of enactment of this Act), to  
10 ensure that the use of open-ended valves or  
11 lines is prohibited except if a showing is  
12 made that the use of an open-ended valve  
13 or line is necessary for safety reasons; and

14 (iv) modifying subpart VVa of part 60  
15 of title 40, Code of Federal Regulations  
16 (as in effect on the date of enactment of  
17 this Act) to ensure that—

18 (I) the term “no detectable emis-  
19 sions” is defined to mean an instru-  
20 ment reading of less than 50 parts  
21 per million above background con-  
22 centrations; and

23 (II) the term “leak” is defined to  
24 mean an instrument reading of great-

1                   er than or equal to 50 parts per mil-  
2                   lion above background concentrations.

3                   (F) NATURAL-GAS FIRED STEAM BOIL-  
4                   ERS.—Not later than 3 years after the date of  
5                   enactment of this Act, the Administrator shall  
6                   promulgate a final rule revising subpart Db of  
7                   part 60 of title 40, Code of Federal Regulations  
8                   (as in effect on the date of enactment of this  
9                   Act), to ensure that boilers or heaters located  
10                  at an affected covered facility regulated under  
11                  that subpart may only burn gaseous fuels, not  
12                  solid fuels or liquid fuels.

13                  (G) MONITORING.—Not later than 3 years  
14                  after the date of enactment of this Act, the Ad-  
15                  ministrator shall promulgate a final rule revis-  
16                  ing subparts DDD, NNN, RRR, and other rel-  
17                  evant subparts of part 60 of title 40, Code of  
18                  Federal Regulations (as in effect on the date of  
19                  enactment of this Act)—

20                         (i) to require continuous emissions  
21                         monitoring of nitrogen oxides, sulfur diox-  
22                         ide, carbon monoxide, and filterable partic-  
23                         ulate matter for all combustion devices ex-  
24                         cept for non-enclosed flares, including dur-  
25                         ing startups, shutdowns, and malfunctions

1 of the facilities regulated by those sub-  
2 parts;

3 (ii) to require—

4 (I) accurate and continuous rec-  
5 ordkeeping when continuous moni-  
6 toring is required under clause (i);  
7 and

8 (II) the records required under  
9 subclause (I) to be made available to  
10 the public; and

11 (iii) to require fenceline monitoring  
12 under section 63.658 of title 40, Code of  
13 Federal Regulations (as in effect on the  
14 date of enactment of this Act), for nitrogen  
15 oxides, sulfur dioxide, carbon monoxide, fil-  
16 terable and condensable particulate matter,  
17 and all other relevant hazardous air pollut-  
18 ants.

19 (3) NATIONAL EMISSION STANDARDS FOR HAZ-  
20 ARDOUS AIR POLLUTANTS IMPLEMENTATION IM-  
21 PROVEMENTS.—

22 (A) EQUIPMENT LEAKS OF BENZENE.—

23 Not later than 3 years after the date of enact-  
24 ment of this Act, the Administrator shall pro-  
25 mulgate a final rule modifying section 61.112

1 of title 40, Code of Federal Regulations (as in  
2 effect on the date of enactment of this Act)  
3 that strikes subsection (c).

4 (B) BENZENE WASTE OPERATIONS.—Not  
5 later than 3 years after the date of enactment  
6 of this Act, the Administrator shall promulgate  
7 a final rule modifying subpart FF of part 61 of  
8 title 40, Code of Federal Regulations (as in ef-  
9 fect on the date of enactment of this Act), to  
10 ensure that—

11 (i) the term “no detectable emissions”  
12 is defined to mean an instrument reading  
13 of less than 50 parts per million above  
14 background concentrations; and

15 (ii) the term “leak” is defined to  
16 mean an instrument reading of greater  
17 than or equal to 50 parts per million above  
18 background concentrations.

19 (C) MAXIMUM ACHIEVABLE CONTROL  
20 TECHNOLOGY STANDARDS FOR COVERED FA-  
21 CILITIES.—Not later than 3 years after the  
22 date of enactment of this Act, the Adminis-  
23 trator shall—

24 (i) promulgate a final rule modifying  
25 subpart YY of part 63 of title 40, Code of

1 Federal Regulations (as in effect on the  
2 date of enactment of this Act), to ensure  
3 that—

4 (I) the generic maximum achiev-  
5 able control technology standards de-  
6 scribed in that subpart—

7 (aa) require no detectable  
8 emissions of hazardous air pollut-  
9 ants, unless the Administrator—

10 (AA) determines that  
11 the maximum degree of re-  
12 duction in emissions of haz-  
13 ardous air pollutants achiev-  
14 able pursuant to section  
15 112(d)(2) of the Clean Air  
16 Act (42 U.S.C. 7412(d)(2))  
17 justifies higher limits; and

18 (BB) publishes the de-  
19 termination under subitem  
20 (AA) and the proposed high-  
21 er limits in a rulemaking;

22 (bb) ensure an ample mar-  
23 gin of safety to protect public  
24 health and prevent an adverse  
25 environmental effect; and

1 (cc) prevent adverse cumu-  
2 lative effects to fetal health, the  
3 health of children, and the health  
4 of vulnerable subpopulations; and  
5 (II) the term “no detectable  
6 emissions”, as required under sub-  
7 clause (I)(aa), is defined to mean an  
8 instrument reading of less than 50  
9 parts per million above background  
10 concentrations; and

11 (ii) in promulgating the final rule re-  
12 quired in clause (i)(I), consider—

13 (I) the effects and risks of expo-  
14 sure from multiple sources of haz-  
15 ardous air pollutants under the sub-  
16 part modified under that clause; and

17 (II) the best available science, in-  
18 cluding science provided by the Na-  
19 tional Academies of Science.

20 (e) CLEAN WATER.—

21 (1) REVISED EFFLUENT LIMITATION GUIDE-  
22 LINES FOR THE ORGANIC CHEMICAL, PLASTICS, AND  
23 SYNTHETIC FIBERS INDUSTRIAL CATEGORY.—

24 (A) BAT AND NSPS STANDARDS FOR PLAS-  
25 TIC POLYMER PRODUCTION.—Not later than 3

1 years after the date of enactment of this Act,  
2 the Administrator shall promulgate a final  
3 rule—

4 (i) that ensures that the best available  
5 technology limitations described in part  
6 414 of title 40, Code of Federal Regula-  
7 tions (as modified under clause (ii)) applies  
8 to covered facilities that produce fewer  
9 than 5,000,001 pounds of covered products  
10 per year;

11 (ii) modifying part 414 of title 40,  
12 Code of Federal Regulations (as in effect  
13 on the date of enactment of this Act), to  
14 ensure that the best available technology  
15 and new source performance standard re-  
16 quirements under that part reflect updated  
17 best available technology and best available  
18 demonstrated control technology for all  
19 pollutants discharged by covered facilities  
20 that produce covered products, including  
21 pollutants of concern that are not regu-  
22 lated on the date of enactment of this Act;  
23 and

24 (iii) modifying sections 414.91(b),  
25 414.101(b), and 414.111(b) of title 40,

1 Code of Federal Regulations (as in effect  
2 on the date of enactment of this Act) to  
3 ensure that—

4 (I) for new source performance  
5 standards for applicable covered facili-  
6 ties producing covered products, the  
7 maximum effluent limit for any 1 day  
8 and for any monthly average for the  
9 priority pollutants described in appen-  
10 dix A to part 423 of title 40, Code of  
11 Federal Regulations (as in effect on  
12 the date of enactment of this Act), is  
13 0 milligrams per liter unless the Ad-  
14 ministrator—

15 (aa) determines that higher  
16 limits are justified using best  
17 available demonstrated control  
18 technology; and

19 (bb) publishes the deter-  
20 mination under item (aa) and the  
21 proposed higher limits in a rule-  
22 making; and

23 (II) for best available technology  
24 and new source performance stand-  
25 ards, the maximum effluent limit for



1 any 1 day and for any monthly aver-  
2 age for total plastic pellets and other  
3 plastic material is 0 milligrams per  
4 liter.

5 (B) EFFLUENT LIMITATIONS FOR WASTE-  
6 WATER, SPILLS, AND RUNOFF FROM PLASTIC  
7 POLYMER PRODUCTION FACILITIES, PLASTIC  
8 MOLDING AND FORMING FACILITIES, AND  
9 OTHER POINT SOURCES ASSOCIATED WITH THE  
10 TRANSPORT AND PACKAGING OF PLASTIC PEL-  
11 LETS OR OTHER PRE-PRODUCTION PLASTIC MA-  
12 TERIALS.—Not later than 60 days after the  
13 date of enactment of this Act, the Adminis-  
14 trator shall promulgate a final rule to ensure  
15 that—

16 (i) the discharge of plastic pellets or  
17 other pre-production plastic materials (in-  
18 cluding discharge into wastewater and  
19 other runoff) from facilities regulated  
20 under part 414 or 463 of title 40, Code of  
21 Federal Regulations (as in effect on the  
22 date of enactment of this Act), is prohib-  
23 ited;

24 (ii) the discharge of plastic pellets or  
25 other pre-production plastic materials (in-

1 cluding discharge into wastewater and  
2 other runoff) from a point source (as de-  
3 fined in section 502 of the Federal Water  
4 Pollution Control Act (33 U.S.C. 1362))  
5 that makes, uses, packages, or transports  
6 those plastic pellets and other pre-produc-  
7 tion plastic materials is prohibited; and

8 (iii) the requirements under clauses  
9 (i) and (ii) are reflected in—

10 (I) all wastewater, stormwater,  
11 and other permits issued by the Ad-  
12 ministrator and State-delegated pro-  
13 grams under section 402 of the Fed-  
14 eral Water Pollution Control Act (33  
15 U.S.C. 1342) to facilities and other  
16 point sources (as defined in section  
17 502 of that Act (33 U.S.C. 1362))  
18 that make, use, package, or transport  
19 plastic pellets or other pre-production  
20 plastic materials, as determined by  
21 the Administrator, in addition to  
22 other applicable limits and standards;  
23 and

24 (II) all standards of performance  
25 promulgated under section 312(p) of

1 the Federal Water Pollution Control  
2 Act (33 U.S.C. 1322(p)) that are ap-  
3 plicable to point sources (as defined in  
4 section 502 of that Act (33 U.S.C.  
5 1362)) that make, use, package, or  
6 transport plastic pellets or other pre-  
7 production plastic materials, as deter-  
8 mined by the Administrator.

9 (2) REVISED EFFLUENT LIMITATIONS GUIDE-  
10 LINES FOR ETHYLENE AND PROPYLENE PRODUC-  
11 TION.—

12 (A) BAT AND NSPS STANDARDS.—Not  
13 later than 3 years after the date of enactment  
14 of this Act, the Administrator shall promulgate  
15 a final rule—

16 (i) modifying sections 419.23, 419.26,  
17 419.33, and 419.36 of title 40, Code of  
18 Federal Regulations (as in effect on the  
19 date of enactment of this Act), to ensure  
20 that the best available technology and new  
21 source performance standards reflect up-  
22 dated best available technology and best  
23 available demonstrated control technology  
24 for all pollutants discharged by covered fa-

1 cilities producing ethylene or propylene;  
2 and

3 (ii) modifying sections 419.26(a) and  
4 419.36(a) of title 40, Code of Federal Reg-  
5 ulations (as in effect on the date of enact-  
6 ment of this Act), to ensure that the new  
7 source performance standards for any 1  
8 day and for average of daily values for 30  
9 consecutive days for the priority pollutants  
10 described in appendix A to part 423 of  
11 title 40, Code of Federal Regulations (as  
12 in effect on the date of enactment of this  
13 Act), is 0 milligrams per liter unless the  
14 Administrator—

15 (I) determines that higher limits  
16 are necessary based on the best avail-  
17 able demonstrated control technology;  
18 and

19 (II) the Administrator publishes  
20 the determination under item (aa) and  
21 the proposed higher limits in a rule-  
22 making.

23 (B) RUNOFF LIMITATIONS FOR ETHYLENE  
24 AND PROPYLENE PRODUCTION.—Not later than  
25 3 years after the date of enactment of this Act,

1 the Administrator shall promulgate a final rule  
2 modifying sections 419.26(e) and 419.36(e) of  
3 title 40, Code of Federal Regulations (as in ef-  
4 fect on the date of enactment of this Act), to  
5 ensure that runoff limitations that reflect best  
6 available demonstrated control technology are  
7 included.

8 (f) ENVIRONMENTAL JUSTICE REQUIREMENTS FOR  
9 COVERED FACILITY PERMITS.—

10 (1) IN GENERAL.—Not later than 3 years after  
11 the date of enactment of this Act, the Administrator  
12 shall promulgate a final rule to ensure that—

13 (A) any proposed permit to be issued by  
14 the Administrator or by a State agency dele-  
15 gated authority under the Clean Air Act (42  
16 U.S.C. 7401 et seq.) or the Federal Water Pol-  
17 lution Control Act (33 U.S.C. 1251 et seq.)  
18 with respect to a covered facility is accompanied  
19 by an environmental justice assessment that—

20 (i) assesses the direct and cumulative  
21 economic, environmental, and public health  
22 impacts of the proposed permit on front-  
23 line communities; and

24 (ii) proposes changes or alterations to  
25 the proposed permit that would, to the

1 maximum extent practicable, eliminate or  
2 mitigate the impacts described in clause  
3 (i);

4 (B) each proposed permit and environ-  
5 mental justice assessment described in subpara-  
6 graph (A) is delivered to applicable frontline  
7 communities at the beginning of the public com-  
8 ment period for the proposed permit, which  
9 shall include notification—

10 (i) through direct means;

11 (ii) through publications likely to be  
12 obtained by residents of the frontline com-  
13 munity, including non-English language  
14 publications; and

15 (iii) in the form of a public hearing in  
16 the frontline community—

17 (I) for which public notice is pro-  
18 vided—

19 (aa) not less than 60 days  
20 before the date on which the pub-  
21 lic hearing is to be held; and

22 (bb) using the means de-  
23 scribed in clauses (i) and (ii);  
24 and

1 (II) for which translation services  
2 (as defined in section 12001 of the  
3 Solid Waste Disposal Act) are pro-  
4 vided; and

5 (III) that is accessible through  
6 live-streaming or alternative video  
7 streaming services for which trans-  
8 lation services (as so defined) are pro-  
9 vided;

10 (C) the Administrator or a State agency  
11 delegated authority under the Clean Air Act  
12 (42 U.S.C. 7401 et seq.) or the Federal Water  
13 Pollution Control Act (33 U.S.C. 1251 et seq.),  
14 as applicable, shall not approve a proposed per-  
15 mit described in subparagraph (A) unless—

16 (i) changes or alterations have been  
17 incorporated into the proposed permit that,  
18 to the maximum extent practicable, elimi-  
19 nate or mitigate the environmental justice  
20 impacts described in subparagraph (A)(i);  
21 and

22 (ii) the changes or alterations de-  
23 scribed in clause (i) have been developed  
24 with meaningful input from residents or  
25 representatives of the frontline community

1           in which the covered facility to which the  
2           proposed permit would apply is located or  
3           seeks to locate;

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

13          (E) the approval of a proposed permit de-  
14          scribed in subparagraph (A) is conditioned on  
15          the covered facility providing comprehensive  
16          fenceline monitoring and response strategies  
17          that fully protect public health and safety and  
18          the environment in frontline communities.

19          (2) REQUIREMENT.—The Administrator shall  
20          develop the final rule required under paragraph (1)  
21          with input from—

22                  (A) residents of frontline communities; and

23                  (B) representatives of frontline commu-  
24          nities.



1 (g) EXTENDED PRODUCER RESPONSIBILITY FOR  
2 INTERNATIONAL PLASTIC EXPORTS.—The temporary  
3 pause on the export of covered products under subsection  
4 (b)(4) shall remain in place until the Secretary of Com-  
5 merce promulgates a final rule that—

6 (1) requires the tracking of covered products  
7 from sale to disposal;

8 (2) prohibits the export of covered products to  
9 purchasers that convert those plastics into single-use  
10 plastics or energy;

11 (3) requires the Secretary of Commerce, not  
12 less frequently than once every 2 years and in con-  
13 sultation with the Administrator and the Secretary  
14 of Health and Human Services, to publish a report  
15 measuring and evaluating the environmental and en-  
16 vironmental justice impacts of exporting covered  
17 products from sale to disposal; and

18 (4) establishes enforceable mechanisms for sell-  
19 ers or purchasers of covered products to mitigate the  
20 environmental and environmental justice impacts of  
21 those covered products from sale to disposal.

○