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

IN THE SENATE OF THE UNITED STATES

Mr. Merkley (for himself, Mr. Blumenthal, Mr. Booker, Mr. Durbin, Mrs. Gillibrand, Mr. Markey, Mrs. Murray, Mr. Sanders, Mr. Van Hollen, Ms. Warren, Mr. Welch, and Mr. Wyden) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Break Free From Plastic Pollution Act of 2023”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENDED RESPONSIBILITY FOR BEVERAGE CONTAINERS AND PACKAGING

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

TITLE II—PROTECTING COMMUNITIES FROM PLASTICS

Sec. 201. Short title.
Sec. 203. Definitions.
Sec. 204. Environmental justice protections at covered facilities.
Sec. 205. Microplastics research and directives.
Sec. 206. Reducing single-use plastics in agriculture.

TITLE III—PLASTIC PELLET-FREE WATERS

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

6 TITLE I—EXTENDED RESPONSIBILITY FOR BEVERAGE CONTAINERS AND PACKAGING

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

(a) In General.—The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by adding at the end the following:
“Subtitle K—Extended Responsibility for Beverage Containers and Packaging

“SEC. 12001. DEFINITIONS.

“In this subtitle:

“(1) ADVISORY COMMITTEE.—The term ‘advisory committee’ means an advisory committee established by the Administrator under section 12106(a).

“(2) BEVERAGE.—

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

“(i) water;
“(ii) flavored water;
“(iii) soda water;
“(iv) mineral water;
“(v) beer;
“(vi) a malt beverage;
“(vii) a carbonated soft drink;
“(viii) liquor;
“(ix) tea;
“(x) coffee;
“(xi) hard cider;
“(xii) fruit juice;
“(xiii) an energy or sports drink;
“(xiv) coconut water;
“(xv) wine;
“(xvi) a yogurt drink;
“(xvii) a probiotic drink;
“(xviii) a wine cooler; and
“(xix) any other beverage determined
to be appropriate by the Administrator.

“(B) Exclusions.—The term ‘beverage’
does not include—

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

“(3) Beverage container.—

“(A) In general.—The term ‘beverage container’ means a prepackaged container that—

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

“(B) Exclusions.—The term ‘beverage container’ does not include—
“(i) a carton;
“(ii) a pouch; or
“(iii) aseptic packaging, such as a drink box.
“(4) BRAND.—
“(A) IN GENERAL.—The term ‘brand’ means any mark, word, name, symbol, design, device, or graphic element that—
“(i) identifies a product; and
“(ii) distinguishes the product from other products.
“(B) INCLUSIONS.—The term ‘brand’ includes—
“(i) any combination of 2 or more marks, words, names, symbols, designs, devices, or graphic elements described in subparagraph (A); and
“(ii) any registered or unregistered trademark.
“(5) COMPOSTABLE.—
“(A) IN GENERAL.—The term ‘compostable’, with respect to a covered product described in subparagraph (B), means that the covered product—
“(i)(I) meets the ASTM International standard specification for compostable products numbered D6400 or D6868—
“(aa) as in effect on the date of enactment of this subtitle; or
“(bb) as revised after the date of enactment of this subtitle, if the revision is approved by the Administrator; and
“(II) is labeled to reflect that the covered product meets a standard described in subclause (I);
“(ii) is certified as a compostable product by an independent third party that is approved by the Administrator; or
“(iii) comprises only wood or natural fiber, without any—
“(I) coating;
“(II) additive; or
“(III) effective beginning on February 1, 2025, toxic substance.
“(B) DESCRIPTION OF COVERED PRODUCTS.—The covered products referred to in subparagraph (A) are covered products other than—
“(i) paper; and

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

“(6) COVERED PRODUCT.—

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

“(i) packaging;

“(ii) a food service product;

“(iii) paper; and

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

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

“(i) a beverage container; or

“(ii) any product subject to an extended responsibility program at the State level, as determined by the Administrator.

“(7) ENVIRONMENTAL JUSTICE.—The term ‘environmental justice’ means the fair treatment and meaningful involvement of all individuals, regardless of race, color, national origin, educational level, or income, with respect to the development, implem-
tation, and enforcement of environmental laws, regulations, and policies to ensure that—

“(A) full access to public information and opportunities for meaningful public participation with respect to human health and environmental planning, regulations, and enforcement is provided to each census tract and census block group—

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

“(ii) the percentage of population of households with an income of not more than twice the Federal poverty level of which is not less than the percentage of population of those households in the applicable State;

“(B) no census tract or census block group described in subparagraph (A) is exposed to a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards; and
“(C) the 17 principles described in the document entitled ‘The Principles of Environmental Justice’, written and adopted at the First National People of Color Environmental Leadership Summit convened on October 24 through 27, 1991, in Washington, DC, are upheld.

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

“(A) a utensil;
“(B) a straw;
“(C) a stirrer;
“(D) a drink cup;
“(E) a drink lid;
“(F) a food package;
“(G) a food container;
“(H) a hinged or lidded container (commonly known as a ‘clamshell’);
“(I) a plate;
“(J) a bowl;
“(K) a meat, fish, seafood, or vegetable tray;
“(L) a food wrapper; and
“(M) a beverage container.

“(9) ORGANIZATION.—The term ‘Organization’ means a Producer Responsibility Organization described in section 12102(a)(1).

“(10) PACKAGING.—

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

“(i) any package or container, regardless of recyclability or compostability; and

“(ii) any separable and distinct material component, regardless of recyclability or compostability, used for the containment, protection, handling, delivery, and presentation of goods that are sold, offered for sale, or distributed to consumers in the United States, including through an internet transaction.

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

“(i) an item described in subparagraph (A) that is—

“(I) sales packaging or primary packaging intended for the consumer market;
“(II) service packaging designed and intended to be used or filled at the point of sale, such as carry-out bags, bulk good bags, take-out bags, and home delivery food service products;

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

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

“(ii) any ancillary element that is—

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

“(II) performing a packaging function.

“(C) EXCLUSION.—The term ‘packaging’ does not include an item described in subparagraph (A) or (B) that—

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

“(ii) has a useful life of not less than 5 years, as determined by the Administrator.
'(11) PAPER.—

"(A) In general.—The term ‘paper’ means a paper product that is sold, offered for sale, delivered, or distributed to a consumer or business in the United States.

"(B) Inclusions.—The term ‘paper’ includes—

"(i) newsprint and inserts;

"(ii) magazines and catalogs;

"(iii) direct mail;

"(iv) office paper; and

"(v) telephone directories.

"(C) Exclusions.—The term ‘paper’ does not include—

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

"(ii) a bound book.

"(12) PLAN.—The term ‘Plan’ means a Product Stewardship Plan of an Organization under section 12103(a).

"(13) PLASTIC.—

"(A) In general.—The term ‘plastic’ means a synthetic or semisynthetic material that is—
“(i) synthesized by the polymerization of organic substances; and
“(ii) capable of being shaped into various rigid and flexible forms.

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

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

“(A) is composed wholly or partially of plastic; and
“(B) comprises—

“(i) the entirety of a covered product;
or
“(ii) an element of a covered product that is detachable on or after use of the covered product.

“(15) POST-CONSUMER RECYCLED MATERIAL.—

“(A) IN GENERAL.—The term ‘post-consumer recycled material’ means new material produced using material resulting from the recovery, separation, collection, and reprocessing of material that—
“(i) was originally sold for consumption; and

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

“(B) Exclusions.—The term ‘post-consumer recycled material’ does not include—

“(i) post-industrial material;

“(ii) preconsumer material; or

“(iii) a material or byproduct—

“(I) generated by means of advanced recycling, chemical recycling, combustion, gasification, incineration, pyrolysis, solvolysis, thermal desorption, waste-to-energy, waste-to-fuel, or any other chemical or molecular conversion process; or

“(II) generated from, and commonly reused within, an original manufacturing and fabrication process.

“(16) Producer.—

“(A) In general.—The term ‘producer’ means an entity that—

“(i)(I) manufactures a covered product or beverage container; and
“(II) owns, or is a licensee of, the brand or trademark under which that covered product or beverage container is—

“(aa) used in a commercial enterprise in the United States;

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

“(cc) distributed in the United States;

“(ii) if no entity described in clause (i) exists with respect to a covered product or beverage container, owns or, if the owner is not located in the United States, is the exclusive licensee of a brand or trademark under which the covered product or beverage container is used in a commercial enterprise, sold or offered for sale, or distributed, in the United States; or

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

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

“(C) RELATED DEFINITIONS.—For purposes of subparagraph (A):

“(i) LICENSEE.—The term ‘licensee’ means an entity that holds the exclusive right to use a trademark or brand in the United States in connection with the manufacture, sale, or distribution of a covered product or beverage container.

“(ii) MANUFACTURE.—The term ‘manufacture’, with respect to a beverage container, means to bottle, can, or otherwise fill a beverage container for sale to—

“(I) distributors distributing beverage containers to retailers;

“(II) importers; or

“(III) retailers.

“(iii) SALE.—The term ‘sale’ includes the delivery of a covered product or beverage container to a purchaser in the United States.
“(17) PRODUCT LINE.—The term ‘product line’ means a group of related products marketed under a single brand name that—

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

“(B) is used by the distributor for the purpose of distinguishing those products from other, similar products for better usability for consumers.

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

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

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

“(C) is composed wholly or partially of polystyrene, including expanded polystyrene;

“(D) is composed wholly or partially of polyvinyl chloride, including polyvinylidene chloride;

“(E) contains an oxodegradable additive, including an oxobiodegradable additive; or
“(F) contains a problematic label construction that hinders recycling or makes the packaging nonrecyclable, including adhesives, inks, materials, and design features.

“(19) RECYCLABLE.—The term ‘recyclable’, with respect to a covered product or a beverage container, means that the covered product or beverage container—

“(A) can be economically and technically recycled in current United States market conditions;

“(B) is collected pursuant to 1 or more recycling programs covering not less than 60 percent of the population of the United States;

“(C) can be sorted into 1 or more recycling-process defined streams that are sent to, and reclaimed at, a reclaiming facility in accordance with the applicable requirements of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, done at Basel, Switzerland, March 22, 1989;

“(D) does not include an attached component, such as a shrink sleeve, label, or filter, that is required to be removed by a consumer
before the covered product or beverage container can be recycled; and

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

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

“(I) is designed to meet the requirements of subparagraphs (A) through (D); and

“(II) does not include any component, ink, adhesive, or label that prevents recycling of the covered product or nonplastic packaging.

“(20) RECYCLE.—

“(A) IN GENERAL.—The term ‘recycle’ means the series of activities by which a covered product or beverage container is—

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

“(ii)(I) converted into a raw material with minimal loss of material quality;
“(II) used in the production of a new product, including the original covered product or beverage container; or

“(III) in the case of composting or organic recycling, productively used for soil improvement.

“(B) Exclusions.—The term ‘recycle’ does not include—

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

“(I) is no longer usable for—

“(aa) the initial purpose; or

“(bb) a substantially similar purpose; and

“(II) can only be used for an inferior purpose or product (commonly referred to as ‘downcycling’);

“(ii) the use of waste—

“(I) as a fuel or fuel substitute;

“(II) for energy production;

“(III) for repurposing into infrastructure, including—
“(aa) pavement for streets or sidewalks;

“(bb) building materials; and

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

“(IV) for alternate operating cover; or

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

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

“(I) incineration;

“(II) pyrolysis;

“(III) hydropyrolysis;

“(IV) methanolysis;

“(V) gasification; or

“(VI) a similar technology, as determined by the Administrator.

“(21) REDEEM.—The term ‘redeem’ means to return to a retailer or producer an empty beverage container in exchange for a refund of the applicable amount under section 12108(e).
“(22) Redemption center.—The term ‘re-demption center’ means a facility established under section 12108(e)(2).

“(23) Refillable; reusable.—The term ‘re-fillable’ or ‘reusable’, with respect to a beverage container or covered product, means that the beverage container or covered product is—

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

“(i) by a producer or consumer, multiple times for the same or a similar product; or

“(ii) by a producer, for another purposeful packaging use in a supply chain;

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

“(C) mechanically feasible for refill or reuse in current United States market conditions;

“(D) feasible for refill or reuse for such number of cycles as the Administrator determines to be appropriate to achieve a significant environmental benefit across the lifecycle of the beverage container or covered product, as com-
pared to a single-use beverage container or covered product; and

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

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

“(A) benefits the environment; and

“(B) minimizes risks to—

“(i) public health; and

“(ii) worker health and safety.

“(25) RESTAURANT.—

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

“(i) in a form and quantity that is consumable immediately at the establishment, regardless of whether a purchased food or beverage is consumed on-premises; or
“(ii) in a consumable form for consumption off-premises.

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

“(26) RETAILER.—

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

“(i) engages in the sale of beverage containers or covered products to a consumer; or

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

“(B) INCLUSION.—The term ‘retailer’ includes an entity located in the United States that engages in the sale of, or provides, beverage containers as described in subparagraph (A) through a vending machine or similar means.

“(27) REUSE AND REFILL SYSTEM.—The term ‘reuse and refill system’ means a set of mechanisms relating to refillable or reusable covered products and beverage containers that is supported by ade-
quate infrastructure at the producer level, and ade-
quate and convenient availability and retail infra-
structure at the consumer level, to ensure that the
covered products and beverage containers can be—

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

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

“(28) SINGLE-USE.—

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

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

“(i) a medical food item, supplement,
device, or other product determined by the
Secretary of Health and Human Services
necessarily to be made of plastic for the
protection of public health;
“(ii) personal protective equipment, including—

“(I) masks;
“(II) gloves;
“(III) face shields; and
“(IV) other personal protective equipment, as determined by Secretary of Health and Human Services;
“(iii) a personal hygiene product that, due to the intended use of the product, could become unsafe or unsanitary to recycle, such as a diaper; or
“(iv) packaging used for—

“(I) any product described in clause (i), (ii), or (iii); or
“(II) the shipment of hazardous materials, and is prohibited from being composed of used materials under section 178.509 or 178.522 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this subtitle).

“(29) SOURCE REDUCTION.—

“(A) IN GENERAL.—The term ‘source reduction’ means a reduction in the quantity of
covered products or beverage containers produced by a producer, as compared to a baseline established pursuant to section 12105(b), including due to—

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

“(ii) eliminating unnecessary packaging.

“(B) Exclusions.—The term ‘source reduction’ does not include—

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

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

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

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

“(30) Toxic Substance.—
“(A) IN GENERAL.—The term ‘toxic substance’ means any substance, mixture, or compound that—

“(i) may cause—

“(I) personal injury or disease to humans through ingestion, inhalation, or absorption through any body surface; or

“(II) adverse impacts on the environment; and

“(ii) satisfies 1 or more of the conditions described in subparagraph (B).

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

“(i) The substance, mixture, or compound is subject to reporting requirements under—

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

“(II) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or
“(III) section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)).

“(ii) The National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the National Toxicology Program, the Centers for Disease Control and Prevention, the Administrator of Health and Human Services, the National Institute for Environmental Health Sciences, or the Environmental Protection Agency has established that the substance, mixture, or compound poses an acute or chronic health hazard, including developmental, reproductive, or endocrine effects.

“(iii) The National Institute for Occupational Safety and Health or the Environmental Protection Agency has recognized that the substance, mixture, or compound may increase the risk of developing a latent disease.

“(iv) The substance, mixture, or compound is—

“(I) a perfluoroalkyl or polyfluoroalkyl substance;
“(II) an orthophthalate;

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

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

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

“(VI) a chlorinated paraffin;

“(VII) listed as a persistent organic pollutant by the Stockholm Convention on Persistent Organic Pollutants;

“(VIII) given an overall carcinogenicity evaluation of Group 1, Group 2A, or Group 2B by the International Agency for Research on Cancer; or

“(IX) listed as a toxic, poisonous, explosive, corrosive, flammable, ecotoxic, or infectious waste by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,

“(v) The substance, mixture, or compound is a chemical or chemical class that, as determined by the Administrator, has been identified by a Federal agency, State agency, or international intergovernmental agency as being 1 or more of the following:

“(I) A carcinogen, mutagen, reproductive toxicant, immunotoxicant, neurotoxicant, or endocrine disruptor.

“(II) A persistent bioaccumulative.

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

“(aa) harm the normal development of a fetus or child or cause other developmental toxicity in humans or wildlife;

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

“(cc) have an adverse impact on—

“(AA) air quality;

“(BB) ecology;
“(CC) soil quality; or
“(DD) water quality.
“(IV) A chemical or chemical class that has toxicity equivalent to
the toxicity reflected in a criterion described in any of subclauses (I)
through (III).
“(31) UNITED STATES.—The term ‘United States’, when used in a geographical sense, means
all of the States.

“PART I—EXTENDED RESPONSIBILITY

“SEC. 12101. EXTENDED RESPONSIBILITY.
“(a) PARTICIPATION IN ORGANIZATION REQUIRED.—
“(1) IN GENERAL.—Except as provided in subsection (b), effective beginning on February 1, 2025,
each producer of a covered product or beverage container that is sold, distributed, or imported into the
United States shall—
“(A) participate as a member of 1 or more Organizations, based on category of covered
products or beverage containers, for which a Plan is approved by the Administrator; and
“(B) pursuant to that participation, achieve the performance targets described in paragraph (2).

“(2) PERFORMANCE TARGETS.—The performance targets referred to in paragraph (1)(B) are the following, with respect to the covered products and beverage containers subject to the responsibility of the applicable producer:

“(A) All plastic covered products and beverage containers have been subject to source reduction in accordance with section 12105.

“(B) Effective beginning on January 1, 2033, all covered products and beverage containers are reusable, recyclable, or compostable.

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

“(D) The following recycling rates (by category of covered product or beverage container) are achieved for each covered product and beverage container:

“(i) Not less than 50 percent by January 1, 2030.

“(ii) Not less than 65 percent by January 1, 2040.
“(iii) Not less than 75 percent by January 1, 2050.

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

“(1)(A) for fiscal year 2023, had an annual revenue of less than $1,000,000; and

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

“(2) is the producer of less than 1 ton of covered products or beverage containers in commerce each year.

“(c) ENFORCEMENT.—

“(1) PROHIBITION.—Except as provided in subsection (b), it shall be unlawful for any producer to sell, use, or distribute any covered product or beve-
erage container in commerce except in compliance
with this part.

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

“(A) for each violation;
“(B) for each day that a violation occurs;
and
“(C) in an aggregate amount of not more
than $70,117.

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

“(4) STATE ENFORCEMENT.—The Adminis-
trator may permit a State to carry out enforcement
under paragraph (2) or (3) if the Administrator de-
determines that the State meets such requirements as
the Administrator may establish, subject to the con-
dition that any fine collected by a State pursuant to
paragraph (2) shall be deposited in the Reduction
and Litter Cleanup Trust Fund established by sec-
tion 12112(b).
“(d) Categories.—The Administrator, in consultation with Organizations, shall promulgate regulations to establish, for purposes of this part—

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

“(2) a single category for beverage containers.

“(e) Inapplicability of Antitrust Laws.—The antitrust laws (as defined in the first section of the Clayton Act (15 U.S.C. 12)) shall not apply to a producer or Organization that carries out any activity in accordance with an approved Plan if the activity is necessary to develop and implement the Plan.

“(f) Regulations.—Not later than 1 year after the date of enactment of this subtitle, the Administrator shall promulgate such regulations as the Administrator determines to be necessary to implement, administer, and enforce this part, including methods and processes for—

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

“(2) determining compliance with the requirements of this part.

“Sec. 12102. Producer Responsibility Organizations.

“(a) Participation.—

“(1) In general.—For each category of covered products or beverage containers sold, distrib-
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uted, or imported into the United States by a produ-
der, the producer shall establish a new, or join an
eexisting, Producer Responsibility Organization.

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

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

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

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

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

“(3) NEW PRODUCERS.—

“(A) IN GENERAL.—A producer that com-
nences operation in the United States, or that
produces a covered product or beverage con-
tainer that is new to the producer in the United
States, after the date of approval of Organiza-
tions under subsection (b) shall establish a new, or join an existing, Organization for the applicable category of covered products or beverage containers.

“(B) APPROVAL.—A new Organization established pursuant to subparagraph (A) shall be approved or disapproved by the Administrator in accordance with subsection (b).

“(b) APPROVAL BY ADMINISTRATOR.—

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

“(2) APPLICATION.—Not later than January 1, 2025, the governing body of each Organization shall submit to the Administrator an application describing the means by which the Organization meets the criteria described in paragraph (3).

“(3) CRITERIA.—The Administrator may approve the establishment of an Organization only if the Administrator determines that the Organization—

“(A) has a governing board consisting of producers that represent the diversity of applicable covered products or beverage containers, as applicable, in the market; and
“(B) demonstrates that the Organization has in effect adequate financial responsibility and financial controls, including fraud prevention measures and an audit schedule, to ensure proper management of funds.

“(4) ADDITIONAL ORGANIZATIONS.—After January 1, 2035, on a determination by the Administrator that additional Organizations would be beneficial in satisfying the requirements of this part, the Administrator may approve additional Organizations that meet the requirements of this subsection.

“(5) REVOCATION.—

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

“(i) ceases to meet the requirements of this part, including the criteria described in paragraph (3); or

“(ii) fails to implement and administer an approved Plan in a manner that effectuates the purposes of this part.

“(B) REPLACEMENT.—If the Administrator revokes approval of an Organization pursuant to subparagraph (A), the Administrator
may approve 1 or more additional Organizations to carry out the responsibilities of the revoked Organization under this part for the applicable category of covered products or beverage containers, subject to the criteria described in paragraph (3).

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

“(d) Coordination.—If more than 1 Organization is established under subsection (a) with respect to a category of covered products or beverage containers, the Administrator shall, as necessary, establish a process to require coordination among those Organizations.

“(e) Nonprofit Status.—Each Organization shall be—

“(1) established and operated as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986; and

“(2) exempt from taxation under 501(a) of that Code.
“SEC. 12103. PRODUCT STEWARDSHIP PLANS.

“(a) IN GENERAL.—Not later than 180 days after the date on which an Organization is approved under section 12102(b), the Organization shall develop and submit to the Administrator a Product Stewardship Plan, together with a budget, that describes the means by which the Organization will carry out the responsibilities of the Organization under this part.

“(b) REQUIREMENTS.—

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

“(A) contact information for the Organization submitting the Plan;

“(B) a list of participating producers represented by the Organization, including individual contact information for each such producer;

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

“(i) each category of covered products or beverage containers covered by the Plan and the quantity (by number and weight) of each covered product or beverage container in each category;
“(ii) the means by which the Organization will—

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

“(II) in an economically efficient and practical manner, provide for the necessary infrastructure and viable responsible end markets based on the most-recent needs assessment under section 12107; and

“(III) use existing collection programs and reuse, recycling, composting, sorting, and processing infrastructure, to the maximum extent practicable;

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

“(iv) the means by which each applicable type of covered product or beverage container will be collected to meet the performance targets described in section 12101(a)(2);

“(v) consumer education plans in accordance with section 12111;
“(vi) a customer service process, such as a process for answering customer questions and resolving issues;

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

“(viii) the means by which participating producers will work with, improve, and fund existing reuse, recycling, composting, litter cleanup, sorting, and processing infrastructure;

“(ix) measures to mitigate fraud; and

“(x) the means by which participating producers will consult with the Federal Government, units of State and local government, and other stakeholders;

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

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

“(ii) reimbursing members of an advisory committee;

“(iii) administering the Organization;

“(iv) investments—
“(I) identified in the source reduction plan or needs assessment;

“(II) to develop sustainable responsible end markets for each covered product or beverage container category included in the Plan; or

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

“(v) environmental mitigation activities;

“(E) a structure and schedule for fees paid by participating producers in accordance with section 12104, including the method of calculation of the fee and a description of the process by which the Organization shall collect the fee from those producers; and

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

“(i) ensures that participating producers will continue to meet the obligations of the producers in the event of—

“(I) dissolution of the Organization; or
“(II) revocation of approval by
the Administrator; and
“(ii) describes a process for notifying
the Administrator, relevant advisory com-
mittees, and relevant contractors of such a
dissolution or revocation.

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

“(A) to pay a civil penalty;
“(B) to pay costs associated with litigation
between or among producers, the Organization,
or units of government;
“(C)(i) to provide compensation to a rep-
resentative of the Organization relating to the
passage, defeat, approval, or modification of
proposed Federal, State, or local legislation; or
“(ii) for any paid advertisement during a
30-day period occurring before or during a Fed-
eral, State, or local legislative session for the
purposes of encouraging the passage, defeat,
approval, or modification of proposed legisla-
tion; or
“(D) to support or invest in an excluded recycling technology described in subparagraph (B) of section 12001(20).

“(c) APPROVAL.—Not later than 90 days after the date of receipt of a Plan under subsection (a), the Administrator shall—

“(1) approve or disapprove the Plan; and

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

“(d) IMPLEMENTATION.—An Organization shall commence implementing the Plan of the Organization on the later of—

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

“(2) August 1, 2025.

“(e) EXPIRATION.—A Plan—

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

“(2) may be renewed.

“(f) REVISIONS.—The Administrator may require a revision to a Plan before the expiration of the Plan under subsection (e)(1) if the Administrator determines that—
“(1) the performance targets described in section 12101(a)(2) are not being met; or
“(2) a change in circumstances has occurred that warrants the revision.

“SEC. 12104. MEMBERSHIP FEES.

“(a) Establishment.—
“(1) In general.—Each Organization shall establish a fee for producers participating in the Organization (referred to in this section as ‘members’) to ensure that—
“(A) the requirements of this part are met; and
“(B) the Plan of the Organization is completely implemented.
“(2) Schedule.—A fee under this subsection shall be assessed in accordance with a schedule developed by the applicable Organization under subsection (c) to ensure that the budget of the Organization, as included in the Plan of the Organization, is fully funded.
“(3) Prohibition.—A fee under this subsection shall not be passed on to any consumer as a separate item on a receipt or invoice.
“(b) Payment.—Each member of an Organization shall—
“(1) pay to the Organization the fee required under this section; and

“(2) on request, provide to the Organization records and other information necessary for the Organization to meet the requirements under this part.

“(c) Fee Schedule.—

“(1) In general.—A fee under this section shall be assessed in accordance with a fee schedule, which shall include the following:

“(A) Individual assessments imposed on a member due to unique characteristics of the covered products or beverage containers subject to the responsibility of the member, as described in paragraph (2).

“(B) Any adjustments pursuant to subsection (d)(2).

“(C) Reimbursement to the Administrator for costs.

“(D) Reimbursement to a relevant advisory committee.

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

“(F) The costs of administering the Organization, including the costs associated with
staff and the development and implementation of the Plan.

“(2) FACTORS.—A fee schedule under paragraph (1) shall be delineated by category of covered product or beverage container, based on the following factors:

“(A) The costs to ensure each category meets the requirements of this part, subject to the condition that a covered product or beverage container that is easier and less expensive to reuse, recycle, or compost, or that is designed to be recycled into a similar covered product, beverage container, or material that is easier to be composted, shall be subject to lower fees, including fees that reflect—

“(i) costs to develop and sustain viable responsible end markets for each category;

“(ii) costs—

“(I) to collect, sort, avoid, or remove contamination; and

“(II) to aggregate and transport the covered product or beverage container into defined streams to support viable responsible end markets for re-
manufacturing of the covered product

or beverage container through—

“(aa) curbside collection; or

“(bb) other means;

“(iii) costs incurred by local governments or recycling service providers—

“(I) to process and transport covered products or beverage containers in a manner and quality sufficient for acceptance by viable responsible end markets, including costs to reduce or mitigate the rate of inbound contamination by noncertified, compostable products at composting facilities, which may vary by locality;

“(II) to carry out waste stream sampling and reporting activities required under this part; and

“(III) to provide to ratepayers information relating to improving the preparation and sorting, as needed, of covered products or beverage containers; and

“(iv) other costs necessary to implement the Plan and achieve compliance with
this part, including ensuring that imple-
mentation avoids or minimizes negative en-
vironmental or public health impacts on
disadvantaged or low-income communities
and rural areas.

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

“(C) The commodity value of the covered
product or beverage container based on an inde-
dependent index or the reported commodity value
of materials of equivalent quality to the covered
product or beverage container.
“(D) Costs incurred by the Organization to assist members to meet the source reduction requirements under section 12105.

“(d) ADJUSTMENTS.—

“(1) Fee.—The amount of a fee under subsection (a) shall be adjusted using malus fees or credits for members, based on any of the following, as applicable:

“(A) The percentage of post-consumer recycled material in the covered products or beverage containers subject to the responsibility of the member, in a manner that ensures that the percentage of post-consumer recycled material shall be validated through an independent third party approved by the Administrator in order to ensure that the percentage exceeds the minimum requirements for the covered product or beverage container, subject to the condition that the recycled content shall not disrupt the potential for future recycling.

“(B) Standardization of packaging materials that simplifies the processing, marketing, sorting, and recycling or composting of covered products or beverage containers.
“(C) Any actions carried out by the member to accelerate source reduction and invest in sustained and robust reuse and refill systems beyond the actions required under section 12105.

“(D) Certified compostable covered products or beverage containers that do not contain toxic substances shall be subject to a reduced fee, as determined by the Organization.

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

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

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

“SEC. 12105. SINGLE-USE PLASTIC SOURCE REDUCTION REQUIREMENTS.

“(a) Source Reduction Targets.—Each Organization shall develop and implement a source reduction plan to achieve the following targets for single-use plastic covered products and beverage containers:

“(1) Not later than January 1, 2032, a source reduction, as compared to the baseline of the Orga-
nization determined under subsection (b), of not less than—

“(A) 25 percent, by weight; and

“(B) 25 percent, by plastic component.

“(2) Not later than January 1, 2040, a source reduction, as compared to the baseline of the Organization determined under subsection (b), of not less than—

“(A) 40 percent, by weight; and

“(B) 40 percent, by plastic component.

“(3) Not later than January 1, 2050, a source reduction, as compared to the baseline of the Organization determined under subsection (b), of not less than—

“(A) 50 percent, by weight; and

“(B) 50 percent, by plastic component.

“(b) BASELINES.—Not later than January 1, 2026, the Administrator shall establish a baseline for purposes of the source reduction requirements under subsection (a), taking into consideration the quantity of single-use plastic covered products and beverage containers (by weight and number of plastic components) sold, offered for sale, or distributed in the United States during calendar year 2024.
“(c) DATA.—Together with any Plan, update or revision to a Plan, or annual report, each Organization shall submit to the Administrator the following data, disaggregated by participating producer, with respect to the period covered by the Plan, update, revision, or report:

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

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

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

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

“(5) The number of plastic components and weight of plastic covered products and beverage containers reduced through concentration, right-sizing,
and shifting to bulk or large-format packaging that
allows consumers to refill residential or commercial
reusable containers.

“(d) Evaluations.—

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

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

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

“(B) eliminating plastic components.

“SEC. 12106. ADVISORY COMMITTEES.

“(a) Establishment.—The Administrator shall es-

tablish 1 or more advisory committees that reflect a range
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of interested and engaged stakeholders representing the entire supply chain of covered products and beverage containers, including—

“(1) collection service providers;

“(2) cleanup service providers;

“(3) recyclers;

“(4) composters; and

“(5) government entities.

“(b) COMPOSITION.—

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

“(A) producers, including trade associations;

“(B) States;

“(C) metropolitan areas, including—

“(i) small and large metropolitan areas; and

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

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

“(i) small and large counties; and

“(ii) urban and rural counties;
“(E) public sector recycling, composting, and solid waste industries for the applicable type of covered product or beverage container;
“(F) private sector recycling, composting, and solid waste industries for the applicable type of covered product or beverage container;
“(G) recycled feedstock users for the applicable type of covered product or beverage container;
“(H) environmental organizations;
“(I) environmental justice organizations;
“(J) disability advocates;
“(K) reuse and refill system experts or operators;
“(L) Indian Tribes; and
“(M) environmental and human health scientists.

“(2) REQUIREMENTS.—
“(A) IN GENERAL.—Each individual serving on an advisory committee may represent only 1 category described in subparagraphs (A) through (M) of paragraph (1).
“(B) DISPROPORTIONATE REPRESENTATION.—The Administrator shall ensure that no category described in subparagraphs (A)
through (M) of paragraph (1) has disproportionate representation on an advisory committee.

“(3) DATE OF APPOINTMENT.—The Administrator shall appoint all members to each advisory committee established under this section not later than July 1, 2025.

“(4) TERM.—The Administrator—

“(A) shall appoint the members of an advisory committee for staggered 3-year terms; and

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

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

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

“(B) may be reelected as chairperson.

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

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

“(2) review the Plan, and any revisions to the Plan, of each such Organization;
“(3) submit to the applicable Organization a report describing the results of the review under paragraph (2); and

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

“(d) EXPENSES.—

“(1) IN GENERAL.—Each Organization overseen by an advisory committee shall reimburse members of the advisory committee who are representatives of community groups, Indian Tribes, State and local governments, or nonprofit organizations for expenses relating to participation on the advisory committee.

“(2) OTHER MEMBERS.—A member of an advisory committee not described in paragraph (1) may be compensated by the applicable Organization for travel expenses as necessary to ensure the ability of the member to participate on the advisory committee.

“(3) TRANSLATION SERVICES.—The Organizations overseen by an advisory committee shall be financially responsible for providing to the advisory
committee professional language interpretation for oral communications, and translation for written documents and notices, in any language spoken by more than 5 percent of the population residing within a community served by the advisory committee.

“SEC. 12107. REDUCTION, REUSE, AND RECYCLING NEEDS ASSESSMENT.

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

“(1) to identify barriers to, and opportunities for, reducing, reusing, and recycling covered products and beverage containers; and

“(2) to inform Plans and budgets of Organizations to support the Organizations in achieving compliance with this part.

“(b) PROPOSALS.—

“(1) IN GENERAL.—Subject to applicable Federal competitive bidding requirements, the Adminis-
trator shall solicit from qualified consultants proposals to enter into a contract with the Administra-
tor to conduct each assessment.

“(2) REQUIREMENTS.—A proposal to enter into a contract under paragraph (1) shall include, with respect to the period covered by the proposed contract, a description of the means by which the applicable qualified consultant will conduct the assessment with respect to each element described in subsection (c)(1).

“(3) FAILURE TO SELECT.—If the Administrator fails to select a qualified consultant to conduct an assessment, including due to a determination that no qualified consultant has submitted a proposal that meets the requirements of this subsection, by the applicable date described in subsection (a), the Administrator shall designate an appropriate Federal department or agency to conduct the assessment.

“(c) REQUIREMENTS.—

“(1) ELEMENTS.—Each assessment shall evaluate, with respect to the period covered by the assessment—
“(A) the current recycling, composting, and reuse rate for each type of covered product and beverage container;

“(B) the processing capacity, market conditions, and opportunities for recyclable covered products and beverage containers nationally, regionally, and locally;

“(C) funding needs and actions necessary to achieve the requirements of this part, including payments to recyclers, market incentive payments, and other payments;

“(D) barriers affecting covered product and beverage container recycling access and availability, and necessary actions and investments to overcome those barriers;

“(E) the availability, or lack of availability, of markets for recycled covered products and beverage containers, the need to incentivize recycled or composted materials market development, and the associated investments and actions required to ensure that covered products and beverage containers—

“(i) are recycled or composted; and

“(ii) have viable and sufficient responsible end markets;
“(F) opportunities for, and barriers to, the creation of reuse and refill systems for covered products and beverage containers;

“(G) opportunities for the improvement of recycling of covered products and beverage containers, including the development of responsible end markets for recycled covered products and beverage containers;

“(H) consumer education needs with respect to source reduction, recycling, and reducing contamination in recycling and reuse and refill systems;

“(I) the needs associated with shifting packaging or food service products from a covered product category that is unlikely to develop sustained viable responsible end markets to a covered product category that has a viable responsible end market or is likely to develop a sustained viable responsible end market;

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

“(i) to develop reuse and refill system infrastructure; and
“(ii) to provide to consumers convenient access to that infrastructure to expand and market the use of reusable and refillable covered products and beverage containers; and

“(K) infrastructure and activities required—

“(i) to implement a source reduction plan under section 12105(a), including investments in reuse, refill, and composting infrastructure;

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

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

“(2) DEADLINES.—An assessment shall be submitted to the Administrator—

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

“(B) for each subsequent assessment, not later than 5 years after the date on which the
previous assessment was submitted to the Administrator.

“(3) COST.—The cost of an assessment shall be paid by the Organizations responsible for the covered products or beverage containers investigated as part of the assessment, in such amounts and in accordance with such procedures as the Administrator may establish, by regulation.

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

“(1) a summary of the assessment; and

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

“SEC. 12108. NATIONAL BEVERAGE CONTAINER PROGRAM.

“(a) RESPONSIBILITIES OF PRODUCERS.—

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

“(A) on delivery, charge to the retailer to which the beverage container is delivered a deposit in the amount of the applicable refund value described in subsection (c); and
“(B) on redemption of an empty beverage container by a retailer, pay to the retailer a refund in the amount of the applicable refund value described in subsection (c).

“(2) Use of deposits from unredeemed beverage containers.—A producer shall use any amounts received as deposits under paragraph (1)(A) for which an empty beverage container is not redeemed for investment in collection, recycling, and reuse infrastructure.

“(b) Responsibilities of retailers.—

“(1) In general.—Except as provided in paragraph (2), each retailer of beverage containers shall—

“(A) at the time of sale, charge to the customer to which the beverage container is sold a deposit in the amount of the applicable refund value described in subsection (c);

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

“(C) accept a beverage container and pay a refund under subparagraph (B)—
“(i) during any period that the retailer is open for business; and

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

“(D) in the case of a retailer the premises of which is not less than 5,000 square feet, accept any brand and size of beverage container and pay a refund under subparagraph (B) for the beverage container, regardless of whether the retailer sells that brand or size of beverage container.

“(2) EXCEPTIONS.—

“(A) DIRTY OR DAMAGED.—A retailer described in paragraph (1) may refuse to accept a beverage container and pay a refund under paragraph (1)(B) if the beverage container—

“(i) visibly contains, or is contaminated by, a substance other than—

“(I) water;

“(II) residue of the original contents; or

“(III) ordinary dust; or
“(ii) is so damaged that the brand or refund label appearing on the beverage container cannot be identified.

“(B) QUANTITY LIMITATION.—

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

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

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

“(D) RESTAURANTS.—A retailer described in paragraph (1) that is a restaurant may refuse to accept and pay a refund under paragraph (1)(B) for a beverage container that the retailer did not sell.
“(E) OTHER MEANS OF RETURN.—The Administrator may permit the establishment of convenience zones under which each retailer within a convenience zone shall be exempt from the requirements of this subsection if the Administrator determines that the retailer—

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

“(ii) shares the cost of the operation of that redemption center with the applicable producer.

“(c) APPLICABLE REFUND VALUE.—

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

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

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

“(i) inflation; and

“(ii) other factors, such as a failure to meet performance targets described in section 12105(a); or
“(B) decrease the refund value under paragraph (1) to account for beverage containers that—

“(i) are specifically designed to be reusable or refillable; and

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

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

“(d) LABELING.—Each producer of beverage containers sold in the United States shall ensure that the label of each such beverage container includes a standardized, clearly visible description of the applicable refund value under this section.

“(e) RESPONSIBILITIES OF ORGANIZATIONS.—

“(1) COLLECTION AND STORAGE.—An Organization of producers of beverage containers shall facilitate the collection and storage of beverage containers that are returned to retailers under this section by providing storage or other means to collect the beverage containers until collection for recycling, such as reverse vending machines or other options that are convenient for consumers.

“(2) REDEMPTION CENTERS.—
“(A) IN GENERAL.—An Organization of producers of beverage containers shall establish and operate redemption centers to accept beverage containers from consumers.

“(B) REQUIREMENTS.—A redemption center shall—

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

“(I) each day, other than a Federal or local holiday; and

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

“(ii) accept—

“(I) any beverage container; and

“(II) up to 350 beverage containers per person per day; and

“(iii) provide—

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

“(II) a drop door for consumers to deposit containers of mixed beverage containers for staff of the redemption center to count, for which
the redemption center may collect a
convenience fee; or

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

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

“(f) EXCLUDED STATES.—

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

“(A) has in effect, before the date of en-
actment of this subtitle, a beverage container
law the requirements of which are substantially
similar to the requirements relating to beverage
containers under this part, as determined by
the Administrator; and
“(B) enacts legislation after the date of enactment of this subtitle to update the law described in subparagraph (A) to be consistent with the refund values under, and beverage containers covered by, this part.

“(2) COMPLIANCE WITH STATE LAW.—In the case of an eligible State, compliance with the law of the eligible State by a producer, retailer, or Organization shall be considered to be compliance with this section.

“(3) CONFORMITY.—Each eligible State is encouraged to negotiate with relevant Organizations with respect to updated features of the beverage container-related laws of the eligible State, such as sharing new revenue from increased deposits.

“SEC. 12109. ELIMINATION OF TOXIC SUBSTANCES IN BEVERAGE CONTAINERS AND POST-CONSUMER RECYCLED MATERIAL.

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

“(1) is composed wholly or partially of polyethylene terephthalate;
“(2) is opaque or pigmented a color other than transparent blue or transparent green;
“(3) contains polyethylene glycol; or
“(4) contains a toxic substance.
“(b) REQUIREMENTS FOR CONTAINING RECYCLED CONTENT.—The Administrator shall require each producer of plastic beverage containers to ensure that the plastic beverage containers are composed of—
“(1) by January 1, 2025, not less than 15 percent post-consumer recycled material from United States sources;
“(2) by January 1, 2030, not less than 30 percent post-consumer recycled material from United States sources;
“(3) by January 1, 2035, not less than 45 percent post-consumer recycled material from United States sources;
“(4) by January 1, 2040, not less than 60 percent post-consumer recycled material from United States sources; and
“(5) by such dates thereafter as the Administrator shall establish, such percentage of post-consumer recycled material from United States sources as the Administrator determines to be appropriate, by regulation.
“(c) Penalty.—

“(1) In general.—A retailer or producer that violates a prohibition under subsection (a) or (b), respectively, shall be subject to a fine for each violation.

“(2) Treatment of product lines.—For purposes of this section, each product line of beverage containers shall be considered to be a separate violation of this section if any beverage container included in the product line is a beverage container described in subsection (a).

“(3) Maximum amount.—The amount of a fine under this subsection shall be not more than $50,000 per violation.

“Sec. 12110. Reporting and auditing.

“(a) In general.—Not less frequently than annually, each Organization shall prepare and publish on a publicly available website a report that includes—

“(1) with respect to the covered products or beverage containers sold or imported by any member of the Organization, a description of, at a minimum—

“(A) the quantity of covered products or beverage containers sold or imported and collected (by submaterial type and State) for—
“(i) the calendar year covered by the report; and

“(ii) each preceding calendar year;

“(B) management of those covered products or beverage containers, including recycling rates (by submaterial type), for—

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

“(ii) each preceding calendar year;

“(C) data relating to the final destination and quantity of reclaimed covered products or beverage containers (by submaterial type), including the form of any covered products or beverage containers exported;

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

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

“(i) the geographical distribution of collection;

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

“(iii) hours of operation;
“(iv) actions taken to reduce barriers
to collection by expanding curbside collec-
tion or facilitating drop-offs; and
“(v) frequency of collection avail-
ability;
“(F) progress made toward achieving com-
pliance with the requirements of this part, in-
cluding the quantity of covered products or bev-
erage containers that have been source-reduced
through elimination or replacement by reusable
covered products or beverage containers (by
submaterial type and State), for—
“(i) the calendar year covered by the
report; and
“(ii) each preceding calendar year for
which a report under this subsection was
prepared; and
“(G) additional efforts to reduce environ-
mental impacts, including greenhouse gas emis-
sions, at each lifecycle stage of the covered
products or beverage containers; and
“(2) the budget of the Organization;
“(3) a description of any outreach and edu-
cation efforts under section 12111 conducted during
the calendar year covered by the report, including
the results of those efforts;

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

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

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

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

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

“(1) collection and recycling of covered prod-
ucts and beverage containers under this part to pro-
vide an accounting of any collection or recycling ef-
forts that are not conducted by a producer or an Or-
ganization; and
“(2) covered products and beverage containers of brand names found in litter to provide for an accounting of covered products, beverage containers, and other litter that continues to create pollution.

“(d) REDUCTIONS IN STATE AND LOCAL TAXES.—Not later than February 1, 2027, and annually thereafter, the Administrator shall prepare and make publicly available a report describing—

“(1) the effect of this part on costs incurred by units of State and local government for the management and cleanup of covered products and beverage containers; and

“(2) any reductions in State or local taxes as a result of a reduction in costs described in paragraph (1).

“SEC. 12111. PUBLIC OUTREACH AND EDUCATION.

“(a) IN GENERAL.—Each Organization shall conduct public outreach activities to provide to consumers educational and informational materials relating to the quantity of covered products and beverage containers recycled, reducing the quantity of covered products and beverage containers discarded, and participating in reuse and refill systems, including, at a minimum—

“(1) proper end-of-life management of covered products and beverage containers;
“(2) the location and availability of curbside and drop-off collection opportunities;
“(3) the location and availability of reuse and refill systems;
“(4) methods to prevent litter of covered products and beverage containers; and
“(5) reuse, recycling, and composting instructions that are—
“(A) consistent with the recycling and composting receptacle labeling requirements under section 12225;
“(B) consistent nationwide, except as necessary to take into account differences among State and local laws;
“(C) easy to understand; and
“(D) easily accessible, including availability in multiple languages to reach a diverse ethnic population.
“(b) REQUIREMENTS.—The public outreach and education activities under this section shall—
“(1) be designed to achieve the management goals for covered products and beverage containers under this part, including the prevention of contamination by covered products and beverage containers in other management systems or other materials;
“(2) use all available forms of media, including television, radio, print, electronic, and web-based media, to provide information directly to consumers, in multiple languages;

“(3) be coordinated with units of local government to incorporate electronic, print, web-based, and social media elements that a local government may elect to use to provide education directly to residents;

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

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

“(A) to avoid consumer confusion; and

“(B) to facilitate the consolidation of available resources.

“(c) ADDITIONAL EDUCATIONAL MATERIALS.—In addition to public outreach and education activities under this section, an Organization may provide to producers and retailers educational materials relating to the responsible reduction, reuse, recycling, or composting of covered products and beverage containers through—
“(1) printed materials, signage, and templates of materials that can be reproduced by retailers and provided to consumers at the time of purchase; and
“(2) advertising materials that promote and encourage the proper reuse, recycling, and disposal of covered products and beverage containers.

“SEC. 12112. REDUCTION AND LITTER CLEANUP TRUST FUND.
“(a) DEFINITIONS.—In this section:
“(1) RESIN MAKER.—The term ‘resin maker’ means an entity that—
“(A) transforms petrochemical gas and liquids into ethylene and propylene for later conversion into plastic polymers;
“(B) transforms ethylene and propylene into any other chemical for later conversion into plastic polymers; or
“(C) polymerizes petrochemical feedstocks, including ethylene, ethylene glycol, terephthalic acid, propylene, vinyl chloride, styrene, phenol, formaldehyde, and acetonitrile, into polymers.
“(2) TRUST FUND.—The term ‘Trust Fund’ means the Reduction and Litter Cleanup Trust Fund established by subsection (b).
“(b) Establishment.—There is established in the
Treasury of the United States a trust fund, to be known
as the ‘Reduction and Litter Cleanup Trust Fund’, to be
administered by the Administrator.

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

“(d) Fees; Deposits.—

“(1) Fees.—

“(A) In general.—In accordance with
such formulas and procedures as the Adminis-
trator may establish, the Administrator, in con-
sultation with the Secretary of the Treasury,
shall assess against—

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

“(ii) each resin maker an annual fee
based on the quantity of plastic resin or
plastic resin feedstocks manufactured, dis-
tributed, sold, or imported by the resin
maker during the preceding calendar year.
“(B) METHOD OF PAYMENT.—A producer or resin maker may pay a fee assessed under subparagraph (A)—

“(i) individually; or

“(ii) through the applicable Organization of which the producer or resin maker is a member.

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

“(A) An amount equal to the amounts collected as fees under paragraph (1).

“(B) An amount equal to the amounts collected as fines under sections 12101(c)(2), 12109(e), 12113(e), and 12114(d).

“(C) Any late payments, interest, and such other amounts authorized to be collected pursuant to section 3717 of title 31, United States Code, relating to a fee or fine described in subparagraph (A) or (B).

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

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

“(2) be used for the costs of carrying out this part, in accordance with subsection (f); and
“(3) remain available until expended.

“(f) EXPENDITURES FROM TRUST FUND.—

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

“(A) reuse and refill infrastructure;

“(B) litter cleanup; and

“(C) environmental remediation.

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

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

“(B) not less than 60 percent is used to mitigate historic and continued impacts on environmental justice communities, of which not less than 75 percent shall be used to directly and primarily benefit environmental justice communities.
“SEC. 12113. PROHIBITION ON CERTAIN TOXIC SUBSTANCES AND MATERIALS.

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

“(1) any packaging that contains a toxic substance; or

“(2) any prohibited plastic packaging.

“(b) Designation of New Toxic Substances.—

“(1) In general.—Not later than 180 days after the date on which the Administrator designates a substance, mixture, or compound as a toxic substance, the Administrator shall promulgate regulations to prohibit that toxic substance in packaging.

“(2) Effective date.—The effective date of regulations promulgated pursuant to paragraph (1) relating to a toxic substance shall be not later than 2 years after the date of designation of the toxic substance under that paragraph.

“(c) Penalty.—

“(1) In general.—A producer that violates this section shall be subject to a fine for each violation.

“(2) Treatment of product lines.—For purposes of this subsection, each product line sold,
offered for sale, or distributed to consumers by a
producer shall be considered to be a separate viola-
tion of this section.

“(3) **MAXIMUM AMOUNT.**—The amount of a
down: the subsection shall be not more than
$50,000 per violation.

**SEC. 12114. ENFORCEMENT.**

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

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

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

“(B) each producer participating in the
Organization is in compliance with the applicable
requirements of this part; and

“(2) may commence an enforcement action
against—

“(A) any Organization, as necessary; and

“(B) any participating producer that is not
in compliance with an applicable requirement of
this part.
“(b) INVESTIGATIONS.—In an evaluation under subsection (a)(1), the Inspector General may, as the Inspector General determines to be appropriate—

“(1) conduct investigations, including by inspecting operations, facilities, and records of—

“(A) an Organization; or

“(B) a producer participating in an Organization; and

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

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

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

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

“(d) PENALTY.—

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

“(2) TREATMENT OF PRODUCT LINES.—For purposes of this section, each product line sold, offered for sale, or distributed to consumers by a pro-
ducer shall be considered to be a separate violation of this part.

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

“(e) **CITIZEN SUITS.**—

“(1) **IN GENERAL.**—In accordance with applicable Federal law, subject to the provision to the respondent of appropriate notice, any citizen of the United States may commence in a United States district court of competent jurisdiction an action against any individual or entity, a producer, an Organization, the Administrator, or the Inspector General to enforce this part.

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

**“PART II—REDUCTION OF SINGLE-USE PRODUCTS”**

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

**“SEC. 12201. DEFINITIONS.”**

“In this subpart:
“(1) Carryout bag.—

“(A) In general.—The term ‘carryout bag’ means a bag provided to a customer by a retail establishment or food service business for the purpose of transporting groceries, a prepared food, or a retail good.

“(B) Exclusions.—The term ‘carryout bag’ does not include—

“(i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication;

“(ii) a bag without handles that is—

“(I) used to protect items from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable grocery bag; or

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

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

“(iv) a newspaper bag; or

“(v) a bag provided to contain an unwrapped food item.
“(2) Food service business.—

“(A) In general.—The term ‘food service business’ means a commercial entity that sells or provides food for consumption on or off the premises of the entity.

“(B) Inclusions.—The term ‘food service business’ includes a restaurant, café, delicatessen, coffee shop, convenience store, grocery store, vending truck or cart, food truck, movie theater, and business or institutional cafeteria, including such a business operated by, or on behalf of, any governmental entity.

“(3) Polystyrene foam food service product.—

“(A) In general.—The term ‘polystyrene foam food service product’ means a food service product made wholly or partially of a material described in subparagraph (B).

“(B) Description of material.—A material referred to in subparagraph (A) is blown polystyrene, and any expanded and extruded foam of that polystyrene, that is—

“(i) a thermoplastic petrochemical material made using a styrene monomer; and
“(ii) processed by a technique such as—

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

“(II) injection molding;

“(III) foam molding; or

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

“(C) INCLUSIONS.—The term ‘polystyrene foam food service product’ includes a food container, a plate, an egg carton, a hot or cold beverage cup, a meat, fish, seafood, or vegetable tray, and cutlery.

“(4) PREPARED FOOD.—

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

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

“(i) a raw egg;

“(ii) butchered meat;
“(iii) butch ered fish or seafood; or
“(iv) butch ered poultry.

“(5) Retail establishment.—

“(A) In general.—The term ‘retail establishment’ means a store or premises at which a person is engaged in the business of selling or providing directly to customers at retail pricing—

“(i) merchandise, goods, groceries, prepared food, or beverages, for consumption off-premises; or
“(ii) the servicing of an item.

“(B) Inclusions.—The term ‘retail establishment’ includes—

“(i) a grocery store;
“(ii) a department store;
“(iii) a pharmacy;
“(iv) a convenience store;
“(v) a restaurant;
“(vi) a coffee shop;
“(vii) a seasonal or temporary business, including a farmers’ market and a public market;
“(viii) a food truck or other motor vehicle, mobile canteen, trailer, market push-
cart, or moveable roadside stand used by a person from which to engage in selling or providing described in subparagraph (A) directly with customers, without a store-front, including a business delivering prepared foods or other food items, a web-based or catalog business, and a delivery service used by a retail establishment; and

“(ix) a nonprofit organization, charity, or religious institution that—

“(I) has a retail establishment;

and

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

“(6) REUSABLE.—The term ‘reusable’, with respect to a carryout bag, means that the carryout bag is—

“(A) a sewn bag with stitched handles;

“(B) made of cloth or another machine-washable fabric, other than polyethylene or polyvinyl chloride;
“(C) specifically designed and manufactured for not fewer than 175 uses; and

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

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

“(A) is 100-percent recyclable;

“(B) contains—

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

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

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

“(i) the word ‘Recyclable’; and

“(ii) the phrase ‘Made from ______ percent post-consumer recycled material’, the blank space being filled in with the appropriate percentage of post-consumer recycled material contained in the paper bag.

“(8) SINGLE-USE PLASTIC BAG.—The term ‘single-use plastic bag’ means a carryout bag that—
“(A) is made of plastic; and
“(B) is not reusable.

“SEC. 12202. BAG REQUIREMENTS.

“(a) Ban on Single-use Plastic Bags.—Effective
beginning on the date that is 1 year after the date of en-
actment of this subtitle, no retail establishment or food
service business shall provide or sell to a customer any
single-use plastic bag.

“(b) Reusable Carryout Bags and Single-use
Paper Bags.—

“(1) In general.—Effective beginning on the
date that is 1 year after the date of enactment of
this subtitle, a retail establishment or food service
business may make available for purchase at the
point of sale only, as applicable—
“(A) reusable carryout bags; or
“(B) single-use paper bags.

“(2) Minimum price.—The price of a reusable
carryout bag or single-use paper bag sold under
paragraph (1) shall be not less than $0.10.

“(3) Retention of funds.—Any funds col-
lected under this subsection for the sale of a reus-
able carryout bag or single-use paper bag shall be
retained by the applicable retail establishment or
food service business.
``SEC. 12203. FOOD SERVICE PRODUCTS.

“(a) POLYSTYRENE FOAM FOOD SERVICE PRODUCTS.—

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

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

“(B) no food service business shall provide or sell any food in a polystyrene foam food service product.

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

“(A) Meat and fish trays for raw or butchered meat, including poultry or fish that is sold from a refrigerator or similar appliance.

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

“(3) WAIVER.—

“(A) APPLICATIONS.—To be eligible for a waiver of a prohibition under paragraph (1), a person or food service business shall submit to the Administrator an application at such time,
in such manner, and containing such information as the Administrator may require.

“(B) APPROVAL.—The Administrator may approve an application under subparagraph (A), and provide to the applicant the waiver requested in the application, if the Administrator determines that—

“(i) there is no feasible, commercially available alternative for a specific polystyrene foam food service product; or

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

“(II) there is no reasonably affordable, commercially available alternative to the polystyrene foam food service product.

“(C) TERM.—

“(i) IN GENERAL.—Subject to clause (ii), a waiver provided under this paragraph may be in effect for a period of not longer than 1 year.

“(ii) EXTENSIONS.—On receipt of a written application, the Administrator may extend a waiver provided under this para-
graph for additional periods, each of which
is not longer than 1 year.

“(b) **Plastic Utensils, Stirrers, Splash Sticks, Cocktail Sticks, and Sandwich Sticks.**—Effective
beginning on the date that is 18 months after the date
of enactment of this subtitle—

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

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

“(c) **Food Service Accessories on Request.**—

“(1) **Definition of Food Service Accessory.**—In this subsection, the term ‘food service ac-
cessory’ means any item or accessory that typically
accompanies a food product provided by a food serv-
ice business, including—

“(A) a product used for serving, con-
suming, or packaging a food or beverage pre-
pared by a food service business, including a
cup, bowl, plate, tray, carton, box, wrapper or liner, hinged or lidded container (commonly known as a ‘clamshell’), and napkin;

“(B) a condiment cup or packet;

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

and

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

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

“(3) CONDIMENTS.—Effective beginning on the date that is 1 year after the date of enactment of this subtitle, any condiment provided for consumption on the premises of a food service business shall be served from—

“(A) a reusable container; or

“(B) a bulk dispenser.

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

“(A) shall not be—
“(i) bundled; or
“(ii) individually wrapped; and
“(B) shall be dispensed using a dispenser that provides not more than 1 food service accessory or condiment item at a time to ensure customers receive only the quantity needed.

“(5) Take-out food and delivery ordering platforms.—Effective beginning on the date that is 1 year after the date of enactment of this subtitle, each take-out food and delivery ordering platform shall provide—

“(A) to food service businesses a method to customize the menus of the food service businesses to include a description of the food service accessories and condiments offered for take-out and delivery orders from the food service business; and

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

“(6) Travel.—

“(A) In general.—Notwithstanding any other requirement of this section, a food service business described in subparagraph (B) may
ask a customer if the customer desires or requires a food service accessory—

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

“(ii) to prevent food from spilling.

“(B) Description of Food Service Business.—A food service business referred to in subparagraph (A) is a food service business that—

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

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

“(d) Effect of Section.—Nothing in this section—

“(1) restricts the ability of a food service business to provide a single-use plastic straw or single-serve condiment packet to an individual that requests such a straw or packet due to a disability or other medical or physical condition or circumstance; or

“(2) prohibits a retail establishment from—
“(A) selling packages of single-use plastic straws to customers; or

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

“SEC. 12204. VIOLATIONS; ENFORCEMENT.

“(a) Violations.—

“(1) In general.—Any person that violates an applicable provision of this subpart (including regulations), shall be subject to—

“(A) a warning for the initial violation;

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

“(C) a fine in an amount equal to not more than $5,000 for a third or subsequent violation.

“(2) Treatment.—If a violation described in paragraph (1) is of a continuing nature, each day during which the violation continues shall be considered to be an additional, separate, and distinct violation for purposes of this subsection.

“(3) Payment to Administrator.—A fine collected pursuant to this subsection shall be remitted to the Administrator.
“(b) ENFORCEMENT.—Subject to subsection (a)(3), the Administrator or an affected local government may enforce this subpart.

“SEC. 12205. EDUCATION AND OUTREACH.

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

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

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

“(B) establishing an online clearinghouse of vendors that provide environmentally sound alternatives to single-use plastic bags, single-use paper bags, polystyrene foam food service products, and single-use plastic straws; and

“(2) in cooperation with local governments, environmental organizations, and the business community, develop and implement a public information and education program with respect to this subpart, including—

“(A) educational materials; and

“(B) public service announcements; and

“(C) the distribution of—
“(i) free, reusable carryout bags; and
“(ii) information relating to the environmental harms associated with single-use plastic bags.

“SEC. 12206. RULEMAKING.
“The Administrator shall promulgate such regulations as the Administrator determines to be necessary to carry out this subpart.

“Subpart B—Prohibition on Other Single-use Products

“SEC. 12211. DEFINITIONS.
“In this subpart:
“(1) BLACK PLASTIC.—The term ‘black plastic’ means any plastic with a black plastic resin code 1 through 7.
“(2) DISPOSABLE FOOD SERVICE WARE.—
“(A) IN GENERAL.—The term ‘disposable food service ware’ means a single-use or disposable product for heating, storing, packaging, serving, consuming, or transporting a prepared or ready-to-consume food or beverage.
“(B) INCLUSIONS.—The term ‘disposable food service ware’ includes—
“(i) a bowl, plate, tray, carton, cup, lid, hinged or lidded container, spoon, fork, and knife;

“(ii) any container used by a food establishment to heat, cook, or store a food or beverage prior to serving, regardless of whether the container is used to serve the food or beverage; and

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

“(3) FOOD ESTABLISHMENT.—

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

“(B) INCLUSION.—The term ‘food establishment’ includes any facility the operation of which requires a food service permit in accordance with applicable Federal or State law (including regulations).

“(C) EXCLUSION.—The term ‘food establishment’ does not include a home or other pri-
vate setting in which a food product is provided
as described in subparagraph (A).

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

“(A) shampoo;
“(B) hair conditioner;
“(C) bath soap;
“(D) shower gel;
“(E) lotion; and
“(F) hand soap.

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

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

SEC. 12212. PROHIBITION ON CERTAIN TRAVEL
TOILETRIES.

“(a) DEFINITIONS.—In this section:

“(1) LODGING ESTABLISHMENT.—

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

“(i) a hotel;
“(ii) a motel;
“(iii) a resort;
“(iv) a bed and breakfast;
“(v) an inn; and
“(vi) a vacation rental.

“(C) EXCLUSIONS.—The term ‘lodging establishment’ does not include—

“(i) a hospital;
“(ii) a nursing home;
“(iii) a residential retirement community;
“(iv) a prison or jail;
“(v) a homeless shelter;
“(vi) a boarding school;
“(vii) a unit of worker housing;
“(viii) a long-term rental; or
“(ix) a house, apartment, or other livable space at which the individual providing a sleeping accommodation as described in subparagraph (A) is a permanent resident who lives on the premises.
“(2) SMALL PLASTIC BOTTLE.—The term ‘small plastic bottle’ means a plastic bottle or container that—

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

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

“(b) PROHIBITION.—

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

“(A) to any individual staying in a sleeping room accommodation of the lodging establishment;

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

“(C) in any bathroom of the lodging establishment that is shared by—

“(i) the public; or

“(ii) guests of the lodging establishment.

“(2) EFFECTIVE DATE.—The date referred to in paragraph (1) is—
“(A) for a lodging establishment with more
than 50 rooms, the date that is 180 days after
the later of—
“(i) the date of enactment of this sub-
title; and
“(ii) the date on which the lodging es-
tablishment commences operation; and
“(B) for a lodging establishment with 50
or fewer rooms, the date that is 1 year after the
later of—
“(i) the date of enactment of this sub-
title; and
“(ii) the date on which the lodging es-
tablishment commences operation.
“(c) PATRON REQUEST.—Notwithstanding sub-
section (b), a lodging establishment may provide to an in-
dividual, on request of the individual, a personal care
product in a small plastic bottle at no cost at a place other
than a place described in subsection (b)(1).
“(d) VIOLATIONS.—
“(1) IN GENERAL.—An agency of a local gov-
ernment with authority to inspect sleeping room ac-
commodations in a lodging establishment may issue
a citation for any violation of subsection (b).
“(2) Written warning.—For an initial violation of the prohibition under subsection (b), an agency described in paragraph (1) shall issue to the applicable lodging establishment a written warning that includes—

“(A) a description of the violation; and

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

“(3) Subsequent violations.—On a second or subsequent violation of the prohibition under subsection (b), an agency described in paragraph (1) may assess against the applicable lodging establishment a fine in an amount equal to—

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

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

“(4) Payment to administrator.—A fine collected pursuant to this subsection shall be remitted to the Administrator.

“(e) Sense of Congress regarding use of bulk dispensers by lodging establishments.—It is the sense of Congress that lodging establishments are
encouraged to use bulk dispensers of personal care products—

“(1) to reduce plastic waste;
“(2) to decrease the operating costs of the lodging establishments; and
“(3) in a manner that is mindful of the health and safety of individuals.

“SEC. 12213. PROHIBITIONS ON BLACK PLASTICS.

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

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

“(A) any disposable food service ware made using a black plastic; or
“(B) any meat tray, fish tray, seafood tray, vegetable tray, or egg carton made wholly or partially using a black plastic.

“(b) Exemption.—
“(1) In general.—Subject to paragraph (2), the Administrator may exempt a food establishment or retail establishment from an applicable prohibi-
tion under subsection (a) for a period of not more than 180 days on receipt of a written application from the owner or operator of the food establishment or retail establishment.

“(2) REQUIRED DETERMINATION.—The Administrator may not provide an exemption under paragraph (1) unless the Administrator determines that—

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

“(B) the applicable food establishment or retail establishment requires additional time in order to deplete an existing inventory of a specific item subject to the prohibition for which the exemption is sought.

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

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

“(B) in which no reasonable alternative to the use of an item subject to a prohibition under subsection (a) exists; and
“(C) due to which compliance with this section would create significant economic hardship for the applicable food establishment or retail establishment.

“(c) Effect of Section.—Nothing in this section prohibits an individual from personal use of a disposable food service ware or other item made using a black plastic.

“SEC. 12214. PROHIBITION ON NONCOMPOSTABLE PRODUCE STICKERS.

“Effective beginning on the date that is 1 year after the date of enactment of this subtitle, no retail establishment shall sell or distribute any produce to which is affixed a noncompostable sticker.

“SEC. 12215. ENFORCEMENT.

“(a) Written Warning.—For the initial violation of an applicable prohibition under section 12213 or 12214, the Administrator shall issue to the applicable food establishment or retail establishment a written warning that includes—

“(1) a description of the violation; and

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

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

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

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

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

“(2) SEIZURE.—On a third, or any subsequent, violation of an applicable prohibition under section 12213 or 12214 by a food establishment or retail establishment during a calendar year, the Administrator may seize any products subject to the prohibition that are in the possession of the applicable food establishment or retail establishment.

“(3) LIMITATION.—In the case of a food establishment or retail establishment the annual revenue of which is less than $1,000,000, a fine shall not be
imposed pursuant to this subsection more than once during any 7-day period.

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

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

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

“Subpart C—Advancing Reuse and Refill Systems

“SEC. 12221. GRANT PROGRAM TO EXPAND EQUITABLE ACCESS TO REUSABLE AND REFILLABLE PACKAGING.

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

“(b) ELIGIBILITY.—The following entities shall be eligible to receive a grant under this section:

“(1) An institution of higher education.

“(2) A nonprofit organization.
“(3) A unit of county, municipal, or Tribal government.

“(4) A for-profit entity.

“(5) A public-private partnership.

“(c) APPLICATIONS.—An eligible entity described in subsection (b) seeking a grant under this section shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including a description of the means by which the project proposed to be carried out by the eligible entity will—

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

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

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

“(2) increase access to, and the capacity of, reuse and refill infrastructure within the State served by the eligible entity;
“(3) expand consumer knowledge of reuse and refill programs, including through the development of accessible education and outreach programs and materials; and

“(4) install, and expand access to, sanitation infrastructure in public or community buildings to enable safe and hygienic reuse, including dishwashers and sanitation stations.

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

“(1) contain a toxic substance; or

“(2) be made using prohibited plastic packaging.

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

“(1) give priority to any project that, as determined by the Administrator, will—

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

“(B) achieve more than 1 objective described in subsection (e); and

“(2) ensure that at least 1 grant is provided in each region of the Environmental Protection Agency.
“(f) REPORTS.—Not later than 2 years after the date of enactment of this subtitle, and not less frequently than once every 3 years thereafter, the Administrator shall submit to Congress, and publish, a report that includes—

“(1) an estimate of the current and projected consumption of beverage containers and covered products in each State;

“(2) an assessment of techniques and recommendations to minimize the creation of new materials for the manufacturing of beverage containers and covered products;

“(3) an assessment of the infrastructure and design needs required to establish a system for reusable and refillable beverage containers in the United States; and

“(4) a summary of—

“(A) the grants provided under this section; and

“(B) the effectiveness of those grants in increasing the proportion that—

“(i) the number of reusable and refillable beverage containers and covered products used by distributors during each calendar year covered by the report; bears to
“(ii) overall beverage container and covered product consumption during that calendar year.

“(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2024 through 2028.

“SEC. 12222. GRANT PROGRAM TO SUPPORT WATER REFILL STATIONS AT AIRPORTS AND TRAIN STATIONS.

“(a) Definitions.—In this section:

“(1) Program.—The term ‘program’ means the competitive grant program established under subsection (b).

“(2) Secretary.—The term ‘Secretary’ means the Secretary of Transportation.

“(b) Establishment.—Not later than 1 year after the date of enactment of this subtitle, the Secretary shall establish a competitive grant program under which the Secretary, in consultation with the Administrator, shall provide grants for use in accordance with this section to—

“(1) publicly owned airports that—

“(A) host not less than 2,500 passenger boardings each calendar year; and
“(B) receive scheduled passenger service;

and

“(2) train stations located in metropolitan or suburban areas that provide for the transportation of individuals (other than employees or contractors of the station or individuals riding equipment to observe or monitor railroad operations) by railroad through—

“(A) intercity passenger service; or

“(B) commuter or other short-haul passenger service.

“(c) Use of Funds.—A grant provided under the program may be used for—

“(1) purchasing and installing stations at which employees, passengers, and other guests may refill reusable beverage containers with drinking water; and

“(2) promoting the use of reusable beverage containers and water refill stations.

“(d) Applications.—An entity described in subsection (b) seeking a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of each project proposed to be carried out using grant funds.
“(e) REPORT.—Not later than 2 years after the date on which the Secretary provides grants under the program, the Secretary shall submit to Congress a report describing the effectiveness of the projects carried out under the program.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $5,000,000 for the period of fiscal years 2024 through 2028.

“SEC. 12223. CLEAN COMMUNITIES PROGRAM.

“The Administrator shall establish a program, to be known as the ‘Clean Communities Program’, under which the Administrator shall leverage smart technology and social media to provide technical assistance to units of local government for purposes of cost-effectively—

“(1) identifying concentrated areas of pollution within the jurisdictions of the units of local government; and

“(2) implementing source reduction solutions in response to that pollution.

“SEC. 12224. REPORT ON REUSE AND REFILL SYSTEMS.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, and not less frequently than once every 5 years thereafter, the Administrator shall make publicly available a report describing the feasibility
of, and best practices relating to, reuse and refill systems
with respect to each of the following sectors:

“(1) Food service, including—
   “(A) take-out food;
   “(B) the delivery of prepared meals; and
   “(C) meal kits.

“(2) Consumer food and beverage products.

“(3) Consumer cleaning products.

“(4) Personal care products.

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

“(6) Public educational institutions, including
institutions of higher education.

“(7) Other sectors, as identified by the Admin-
istrator.

“(b) OBJECTIVES.—The report under subsection (a)
shall include an evaluation and summary of—

“(1) types of reuse and refill systems for prod-
cut delivery that can be best used at different scales;

“(2) methods to ensure equitable distribution of
reuse and refill systems for product delivery in popu-
lations of color, communities of color, Indigenous
communities, and low-income communities;

“(3) job creation opportunities through the use
or expansion of reuse and refill systems;
“(4) economic costs and benefits for—

“(A) businesses that deploy reuse and refill system technologies; and

“(B) parties responsible for waste collection and management;

“(5) types of local, State, and Federal support needed to expand the use of reuse and refill systems; and

“(6) existing barriers to the widespread implementation of reuse and refill systems.

“(c) CONSIDERATIONS.—In preparing the report under subsection (a), the Administrator shall take into consideration relevant information relating to reuse and refill system programs and approaches in States, units of local government, and foreign countries.

“SEC. 12225. RECYCLING AND COMPOSTING RECEPTACLE LABELING.

“(a) PURPOSE.—The purpose of this section is to establish guidelines for a national standardized labeling system for the development of labels for recycling and composting receptacles that use a methodology that is consistent throughout the United States to assist members of the public in properly recycling and composting.

“(b) DEFINITIONS.—In this section:
“(1) Public space.—The term ‘public space’ means a business, an airport, a school, a stadium, a government office, a park, and any other public space, as determined by the Administrator.

“(2) Recycling or composting receptacle.—The term ‘recycling or composting receptacle’ means a recycling or composting bin, cart, or dumpster.

“(3) Residential recycling and composting program.—The term ‘residential recycling and composting program’ means a recycling and composting program that provides services to single-family dwellings, multifamily dwellings or facilities, or both.

“(c) Guidelines.—Not later than 2 years after the date of enactment of this subtitle, the Administrator shall develop and publish guidelines for a national standardized labeling system for use by Organizations to develop labels that—

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

“(2) shall be placed on recycling and composting receptacles in public spaces and the serv-
ice area of the Organization in accordance with
paragraphs (1)(D) and (2) of subsection (e); and

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

“(A) the specific recyclables and
compostables accepted by the Organization; and

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

“(d) DEVELOPMENT OF LABELS.—

“(1) IN GENERAL.—Each Organization, in ac-
cordance with the guidelines published under sub-
section (c), shall use the national standardized label-
ing system to develop labels for use on recycling and
composting receptacles in public spaces and the serv-
ice area of the Organization to communicate to users
of those recycling and composting receptacles—

“(A) the specific recyclables and
compostables accepted by the Organization; and

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

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

“(A) a simple version of the label for use
on recycling and composting receptacles used in
public spaces, which shall list the basic recyclables and compostables accepted by the Organization; and

“(B) a detailed version of the label for use on recycling and composting receptacles used as part of a residential recycling and composting program of the Organization, taking into consideration the complexity of the covered products and beverage containers disposed of by single-family dwellings and multifamily dwellings and facilities.

“(e) DISTRIBUTION OF LABELS.—

“(1) SIMPLE VERSION.—

“(A) IN GENERAL.—An Organization shall distribute the simple version of the label developed by the Organization under subsection (d)(2)(A) to each customer of the Organization that owns or operates a public space in the service area of the Organization.

“(B) QUANTITY.—The quantity of labels distributed to an owner or operator of a public space under subparagraph (A) shall be reasonably sufficient to ensure that a label may be placed on each recycling and composting receptacle in that public space.
“(C) ADDITIONAL LABELS.—If the quantity of labels distributed under subparagraph (B) is insufficient, an Organization shall make available to owners and operators described in subparagraph (A) additional labels to purchase or download.

“(D) REQUIREMENT OF OWNERS AND OPERATORS.—An owner or operator of a public space that receives labels under subparagraph (A) shall display the labels on the recycling and composting receptacles in that public space.

“(2) DETAILED VERSION.—An Organization or municipality, as applicable, that provides services to a residential recycling and composting program in the service area of the Organization or municipality, as applicable, shall display a detailed standardized label developed by the Organization under subsection (d)(2)(B) on each recycling and composting receptacle used by the residential recycling and composting program.

“SEC. 12226. STUDY AND ACTION ON PLASTIC TOBACCO FILTERS AND ELECTRONIC CIGARETTES.

“(a) STUDY.—Not later than 2 years after the date of enactment of this subtitle, the Administrator, in conjunction with the Commissioner of Food and Drugs and
the Director of the National Institutes of Health, shall conduct a study of—

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

“(2) the environmental impacts of electronic cigarettes, including disposable plastic components of electronic cigarettes.

“(b) REPORT TO CONGRESS.—Not later than 180 days after the date on which the study under subsection (a) is concluded, the Administrator, in conjunction with the Commissioner of Food and Drugs, shall submit a report describing any recommendations of the Administrator for the establishment of a program to reduce litter from, and the environmental impacts of, single-use tobacco filter products and electronic cigarettes to—

“(1) the Committee on Health, Education, Labor and Pensions of the Senate;

“(2) the Committee on Environment and Public Works of the Senate;

“(3) the Committee on Commerce, Science, and Transportation of the Senate; and

“(4) the Committee on Energy and Commerce of the House of Representatives.

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

“(1) a copy of the report; and

“(2) a description of the actions the Administrator and the Commissioner of Food and Drugs intend to take during the 1-year period beginning on the date of publication to reduce litter from, and the environmental impacts of, single-use tobacco filter products and electronic cigarettes, including recommendations for incorporating plastic tobacco filters and electronic cigarette plastic components into an extended producer responsibility program.

“PART III—PROHIBITION ON CERTAIN EXPORTS

“SEC. 12301. PROHIBITION ON CERTAIN EXPORTS.

“No person may export from the United States any plastic waste, plastic paring, or scrap of plastic—

“(1) to a country that is not a member of the Organization for Economic Cooperation and Development;

“(2) without the prior informed consent of the relevant authorities in a receiving country that is a member of the Organization for Economic Cooperation and Development, if those exports—

“(A) are not of a single, nonhalogenated plastic polymer;
“(B) are contaminated with greater than 0.5 percent of—

“(i) other plastics; or

“(ii) other materials, including—

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

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

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

“(3) that is contaminated with—

“(A) a hazardous chemical;

“(B) effective beginning on the date that is 1 year after the date of enactment of this sub-title, a toxic substance; or

“(C) any other substance, to the extent that the export becomes hazardous waste.

“PART IV—LOCAL GOVERNMENT EFFORTS

“SEC. 12401. PROTECTION OF LOCAL GOVERNMENTS.

“Nothing in this subtitle preempts any State or local law in effect on or after the date of enactment of this sub-title that—
“(1) requires the collection and recycling of any product in a greater quantity than is required under part I;

“(2) prohibits the sale or distribution of any product that is not prohibited under part I or II;

“(3) requires any product to be made of a greater percentage of post-consumer recycled material than is required under part I or II; or

“(4) in any way exceeds the requirements of this subtitle.”.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act (42 U.S.C. 6901 note; Public Law 89–272) is amended by adding at the end the following:

“Subtitle K—Extended Responsibility for Beverage Containers and Packaging

“Sec. 12001. Definitions.

“PART I—EXTENDED RESPONSIBILITY

“Sec. 12101. Extended responsibility.

“Sec. 12102. Producer Responsibility Organizations.

“Sec. 12103. Product Stewardship Plans.

“Sec. 12104. Membership fees.

“Sec. 12105. Single-use plastic source reduction requirements.

“Sec. 12106. Advisory committees.

“Sec. 12107. Reduction, reuse, and recycling needs assessment.

“Sec. 12108. National beverage container program.

“Sec. 12109. Elimination of toxic substances in beverage containers and post-consumer recycled material.

“Sec. 12110. Reporting and auditing.

“Sec. 12111. Public outreach and education.

“Sec. 12112. Reduction and Litter Cleanup Trust Fund.

“Sec. 12113. Prohibition on certain toxic substances and materials.

“Sec. 12114. Enforcement.

“PART II—REDUCTION OF SINGLE-USE PRODUCTS

“SUBPART A—PROHIBITIONS ON SINGLE-USE PLASTIC BAGS AND POLYSTYRENE FOAM FOOD SERVICE PRODUCTS; ACCESSORIES ON REQUEST
"Sec. 12201. Definitions.
"Sec. 12202. Bag requirements.
"Sec. 12203. Food service products.
"Sec. 12204. Violations; enforcement.
"Sec. 12205. Education and outreach.
"Sec. 12206. Rulemaking.

"SUBPART B—PROHIBITION ON OTHER SINGLE-USE PRODUCTS

"Sec. 12211. Definitions.
"Sec. 12212. Prohibition on certain travel toiletries.
"Sec. 12213. Prohibitions on black plastics.
"Sec. 12214. Prohibition on noncompostable produce stickers.
"Sec. 12215. Enforcement.

"SUBPART C—ADVANCING REUSE AND REFILL SYSTEMS

"Sec. 12221. Grant program to expand equitable access to reusable and refillable packaging.
"Sec. 12222. Grant program to support water refill stations at airports and train stations.
"Sec. 12223. Clean Communities Program.
"Sec. 12224. Report on reuse and refill systems.
"Sec. 12225. Recycling and composting receptacle labeling.
"Sec. 12226. Study and action on plastic tobacco filters and electronic cigarettes.

"PART III—PROHIBITION ON CERTAIN EXPORTS

"Sec. 12301. Prohibition on certain exports.

"PART IV—LOCAL GOVERNMENT EFFORTS

"Sec. 12401. Protection of local governments.”.

TITLE II—PROTECTING COMMUNITIES FROM PLASTICS

SEC. 201. SHORT TITLE.

This title may be cited as the “Protecting Communities from Plastics Act”.

SEC. 202. FINDINGS.

Congress finds that—

(1) plastics production is exacerbating the climate crisis and driving environmental injustice in
vulnerable communities located near petrochemical facilities;

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

(3) plastics and other petrochemicals are forecasted to become the largest driver of oil and hydraulically fractured gas demand by 2050;

(4) some studies have projected that the plastics industry will emit more greenhouse gas emissions than coal plants in the United States by 2030;

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

(6) plastics production and certain disposal facilities pollute surrounding communities with chemicals that are known to cause cancer, birth defects, and other serious illnesses;

(7) transitioning from the use of fossil fuels for power generation and transportation only to replace that demand with more fossil fuel-based plastics production—

(A) is not a viable strategy; and

(B) fails to protect communities;
(8) plastics carry impacts throughout the lifecycle, including the impacts of—
(A) oil and gas extraction;
(B) plastics refining, manufacturing, and certain methods of disposal; and
(C) resulting plastics pollution in communities and the environment, where the degrading plastics—
(i) leach chemical additives; and
(ii) emit greenhouse gases;
(9) addressing the plastics crisis requires a shift away from single-use plastics in nonessential settings; and
(10) technologies that convert plastics to fuel, use plastics for energy generation, generate feedstocks for the chemical industry, or produce hazardous waste and toxic air pollution are not a sustainable solution to the plastics crisis.

SEC. 203. DEFINITIONS.

In this title:
(1) Administrator.—The term “Administrator” means the Administrator of the Environmental Protection Agency.
(2) Plastic.—The term “plastic” means a synthetic or semisynthetic material that—
(A) is natural rubber; or
(B) has naturally occurring polymers, such as proteins or starches.

(3) Refill; refillable; reusable; reuse.—
The terms “refill”, “refillable”, “reusable”, and “reuse” mean—

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

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

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

(iii) composed of materials that do not contain—

(I) toxic heavy metals;

(II) pathogens;

(III) additives; or
(IV) toxic substances (as defined in section 12000 of the Solid Waste Disposal Act);

(iv) supported by adequate infrastructure to ensure that the packaging or food service product can be conveniently and safely reused or refilled for multiple cycles; and

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

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

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

(ii) designed for durability to function properly in its original condition for multiple cycles;

(iii) composed of materials that do not contain—
(I) toxic heavy metals;

(II) pathogens;

(III) additives; or

(IV) toxic substances (as defined in section 12000 of the Solid Waste Disposal Act); and

(iv) supported by adequate and convenient availability of, and retail infrastructure for, bulk or large format packaging that may be refilled to ensure the packaging or food service product can be conveniently and safely reused or refilled by the consumer for multiple cycles, as needed.

(4) SINGLE-USE PLASTIC.—

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

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

or

(ii) is not sufficiently durable or washable to be, or is not intended to be, reusable or refillable.
(B) Exclusions.—The term “single-use plastic” does not include—

(i) medical equipment, medical devices, consumer personal protective equipment, or other products determined by the Secretary of Health and Human Services to necessarily be made of plastic for the protection of public health or for people with disabilities;

(ii) packaging that is—

(I) for any product described in clause (i) that is determined by the Secretary of Health and Human Services to necessarily be used for the protection of public health or for people with disabilities; or

(II) used for the shipment of hazardous materials, such that the packaging is prohibited from being composed of used materials under section 178.509 or 178.522 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act); or
(iii) personal hygiene products that, due to the intended use of the products, could become unsafe or unsanitary to recycle, such as diapers.

SEC. 204. ENVIRONMENTAL JUSTICE PROTECTIONS AT COVERED FACILITIES.

(a) Definitions.—In this section:

(1) Community of Color.—The term “community of color” means a geographically distinct area in which the percentage of the population of the community represented by people of color is higher than the percentage of the population of the State represented by people of color.

(2) Consultation.—The term “consultation” means the meaningful and timely process of—

(A) seeking, discussing, and carefully considering the views of fenceline communities in a manner that is cognizant of the values of all parties; and

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

(3) Covered Facility.—The term “covered facility” means—

(A) an industrial facility that transforms petrochemical gas and liquids into ethylene and
propylene for later conversion into plastic polymers;

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

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

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

(E) an industrial facility that converts, including through pyrolysis or gasification, plastic polymers into chemical feedstocks;

(F) an industrial facility that generates fuel or energy from plastic polymers through waste-to-fuel technology, an incinerator, pyrolysis, gasification, or other similar technology, as determined by the Administrator; and

(G) an industrial facility that produces a chemical feedstock for use in the plastics manufacturing industry.

(4) COVERED PRODUCT.—The term “covered product” means—

(A) ethylene;
(B) propylene; and

(C) raw plastic materials in any form, including pellets, resin, nurdles, powder, and flakes, including—

   (i) polyethylene terephthalate (commonly referred to as “PET” or “PETE”);
   (ii) high-density polyethylene (commonly referred to as “HDPE”);
   (iii) low-density polyethylene (commonly referred to as “LDPE”);
   (iv) polypropylene (commonly referred to as “PP”);
   (v) polyvinyl chloride (commonly referred to as “PVC”);
   (vi) polystyrene (commonly referred to as “PS”); and
   (vii) any other plastic polymer determined to be appropriate by the Administrator.

(5) **Environmental Justice.**—The term “environmental justice” means the fair treatment and meaningful involvement of all individuals, regardless of race, color, national origin, educational level, or income, with respect to the development, implement-
tation, and enforcement of environmental laws, regulations, and policies to ensure that—

(A) communities with significant populations of racial minorities, communities of color, Indigenous communities, and low-income communities have full access to public information and opportunities for meaningful public participation with respect to human health and environmental planning, regulations, and enforcement;

(B) no community described in subparagraph (A) is exposed to a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards; and

(C) the 17 principles described in the document entitled “The Principles of Environmental Justice”, written and adopted at the First National People of Color Environmental Leadership Summit convened on October 24 through 27, 1991, in Washington, DC, are upheld.

(6) FENCELINE COMMUNITY.—

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

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

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

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

(7) INDIGENOUS COMMUNITY.—The term “Indigenous community” means—

(A) a federally recognized Indian Tribe;

(B) a State-recognized Indian Tribe;

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

(D) any other community of Indigenous individuals, including communities in other countries.

(8) LIMITED ENGLISH PROFICIENCY INDIVIDUAL.—The term “limited English proficiency individual” means an individual that—

(A) does not speak English as their primary language; or
(B) has a limited ability to read, speak, write, or understand English.

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

(A) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Secretary of Housing and Urban Development; and

(B) 200 percent of the Federal poverty line.

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

(11) **MEANINGFUL.**—The term “meaningful”, with respect to involvement by the public in a determination by a Federal agency, means that—

(A) potentially affected residents of a community have an appropriate opportunity to participate in decisions relating to a proposed activity that will affect the environment or public health of the community;
(B) the public contribution can influence the determination by the Federal agency;

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

(D) the Federal agency—

(i) provides to potentially affected members of the public accurate information, including identifying limited English proficiency individuals who need language assistance, implementing accessible language assistance measures, and providing notice to limited English proficiency individuals for effective engagement in decisions; and

(ii) facilitates the involvement of potentially affected members of the public.

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

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

(B) ending on the date that is the first date on which—
(i) all regulations and final rules required under subsections (d), (e), and (f) are in effect; and

(ii) the amendments made by subsection (i) are fully implemented.

(13) TRANSLATION SERVICES.—The term “translation services” means professional language translation and interpretation for oral communications, and translation for written documents and notices, in any language spoken by more than 5 percent of the population residing within a fenceline community.

(b) NATIONAL ACADEMIES STUDY OF PLASTICS INDUSTRY.—

(1) AGREEMENT.—

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

(i) the existing and planned expansion of the industry of producers of covered products, including the entire supply chain, the extraction and refining of fossil fuels and polymer feedstocks, chemical recycling
efforts, end uses, disposal fate, and lifecycle impacts of covered products;

(ii) the environmental, public health, environmental justice, and pollution impacts of covered facilities and the products of covered facilities;

(iii) the use of additives in the production of covered products and the consequences of those additives on public health;

(iv) the existing standard technologies and practices of covered facilities with respect to the discharge and emission of pollutants into the environment;

(v) the best available technologies and practices that reduce or eliminate the environmental justice and pollution impacts of covered facilities, associated infrastructure of covered facilities, and the products of covered facilities; and

(vi) the toxicity of plastic polymers, additives, and chemicals (including byproducts), including the impacts of those polymers, additives, and chemicals on—

(I) public health;
(II) the recyclability of plastic;
and

(III) the ability to use recycled content.

(B) FAILURE TO ENTER AGREEMENT.—If the Administrator fails to enter into an agreement described in subparagraph (A), the Administrator shall conduct the study described in that subparagraph.

(2) REQUIREMENTS.—The study under paragraph (1) shall—

(A) take into consideration—

(i) the direct, indirect, and cumulative environmental impacts of industries, including plastic production industries, chemical recycling industries, and the industries of other covered facilities; and

(ii) the impacts of the planned expansion of those industries, including local, regional, national, and international air, water, waste, climate change, public health, and environmental justice impacts of those industries; and

(B) recommend technologies, regulations, standards, and practices, including rec-
ommendations for technologies, regulations, standards, and practices that will best carry out the regulatory modifications required under subsections (d), (e), and (g), to remediate or eliminate the local, regional, national, and international air, water, waste, climate change, public health, and environmental justice impacts of the industries described in subparagraph (A)(i).

(3) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study under paragraph (1).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Academy of Sciences and the National Institutes of Health such sums as are necessary to carry out this subsection.

(c) **PERMITTING MORATORIUM FOR COVERED FACILITIES.**—

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

(A) the Administrator shall not issue a new permit for a covered facility under—
(i) the Clean Air Act (42 U.S.C. 7401 et seq.); or

(ii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Secretary of the Army, acting through the Chief of Engineers, shall not issue a new permit for a covered facility under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) the Administrator shall object in writing under subsections (b) and (c) of section 505 of the Clean Air Act (42 U.S.C. 7661d) or section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)), as applicable, to any new permit issued to a covered facility by a State agency delegated authority under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) the export of covered products is prohibited.

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

(A) a material recovery facility;
(B) a mechanical recycling facility; or

(C) a compost facility.

(d) **Clean Air Requirements for Covered Facilities.**—

1. **Timely Revision of Emissions Standards.**—Section 111(b)(1)(B) of the Clean Air Act (42 U.S.C. 7411(b)(1)(B)) is amended by striking the fifth sentence.

2. **New Source Performance Standards for Certain Facilities.**—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule—

   (A) designating petrochemical feedstock and polymer production facilities as a category of stationary source under section 111(b)(1)(A) of the Clean Air Act (42 U.S.C. 7411(b)(1)(A)); and

   (B) establishing new source performance standards under section 111(f)(1) of the Clean Air Act (42 U.S.C. 7411(f)(1)) for the category of stationary source designated under subparagraph (A).

3. **Storage Vessels for Covered Products.**—Not later than 3 years after the date of enactment of this Act, the Administrator shall promul-
gate a final rule modifying section 60.112b(a) of title 40, Code of Federal Regulations, to ensure that an owner or operator of a storage vessel containing liquid with a vapor pressure equal to not less than 5 millimeters of mercury under actual storage conditions that is regulated under that section uses—

(A) an internal floating roof tank connected to a volatile organic compound control device; or

(B) a fixed-roof tank connected to a volatile organic compound control device.

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

(A) modifying title 40, Code of Federal Regulations, to ensure that flaring, at ground-level and elevated, shall only be permitted when necessary solely for safety reasons; and

(B) modifying sections 60.112b(a)(3)(ii), 60.115b(d)(1), 60.482–10a(d), 60.562–1(a)(1)(i)(C), 60.662(b), and 60.702(b) of title 40, Code of Federal Regulations, to ensure that—
(i) references to flare standards under those sections refer to the flare standards established under subparagraph (A); and

(ii) the flare standards under those sections are, without exception, continuously applied.

(5) SOCMI EQUIPMENT LEAKS.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule—

(A) modifying section 60.482–1a of title 40, Code of Federal Regulations, to ensure that owners and operators use process units and components with a leak-less or seal-less design;

(B) modifying subsection (f) of that section to ensure that owners and operators use optical gas imaging monitoring pursuant to section 60.5397a of that title on a quarterly basis, unless the owner or operator receives approval from the Administrator, in writing, to use Method 21 of the Environmental Protection Agency (as described in appendix A–7 of part 60 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) with a repair threshold of 500 parts per billion;
(C) modifying 60.482–6a of title 40, Code of Federal Regulations, to ensure that the use of open-ended valves or lines is prohibited unless a showing is made that the use of an open-ended valve or line is necessary for safety reasons; and

(D) modifying subpart VVa of part 60 of title 40, Code of Federal Regulations, to ensure that—

(i) the term “no detectable emissions” is defined to mean an instrument reading of less than 50 parts per billion above background concentrations; and

(ii) the term “leak” is defined to mean an instrument reading of not less than 50 parts per billion above background concentrations.

(6) NATURAL GAS-FIRED STEAM BOILERS.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule revising subpart Db of part 60 of title 40, Code of Federal Regulations, to ensure that boilers or heaters located at an affected covered facility regulated under that subpart may only burn gaseous fuels, not solid fuels or liquid fuels.
(7) National emission standards for hazardous air pollutants implementation improvements.—

(A) Equipment leaks of benzene.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule to strike subsection (c) of section 61.112 of title 40, Code of Federal Regulations.

(B) Benzene waste operations.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule modifying subpart FF of part 61 of title 40, Code of Federal Regulations, to ensure that—

(i) the term “no detectable emissions” is defined to mean an instrument reading of less than 50 parts per billion above background concentrations; and

(ii) the term “leak” is defined to mean an instrument reading of not less than 50 parts per billion above background concentrations.

(C) Maximum achievable control technology standards for covered fa-
CITIES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(i) promulgate a final rule modifying subpart YY of part 63 of title 40, Code of Federal Regulations, to ensure that—

(I) the generic maximum achievable control technology standards described in that subpart—

(aa) require no detectable emissions of hazardous air pollutants, unless the Administrator—

(AA) determines that the maximum degree of reduction in emissions of hazardous air pollutants achievable pursuant to section 112(d)(2) of the Clean Air Act (42 U.S.C. 7412(d)(2)) justifies higher limits; and

(BB) publishes the determination under subitem (AA) and the proposed higher limits in a rulemaking;
(bb) ensure an ample margin of safety to protect public health and prevent an adverse environmental effect; and

(cc) prevent adverse cumulative effects to fetal health, the health of children, and the health of vulnerable subpopulations; and

(II) the term “no detectable emissions”, as required under subclause (I)(aa), is defined to mean an instrument reading of less than 50 parts per billion above background concentrations; and

(ii) in promulgating the final rule pursuant to clause (i), take into consideration—

(I) the effects and risks of exposure from cumulative sources of hazardous air pollutants under the subpart modified under that clause; and

(II) the best available science, including science provided by the National Academy of Sciences.
(8) MONITORING.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate a final rule revising subparts DDD, NNN, and RRR and other relevant subparts of part 60 of title 40, Code of Federal Regulations—

(A) to require continuous emissions monitoring of benzene, nitrogen oxides, sulfur dioxide, carbon monoxide, other hazardous air pollutants, and filterable particulate matter for all combustion devices, including during startups, shutdowns, and malfunctions of the facilities regulated by those subparts;

(B) to require—

(i) accurate and continuous record-keeping when continuous emissions monitoring is required under subparagraph (A); and

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

(C) to require continuous monitoring of emissions from combustion devices under section 63.658 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), for nitrogen oxides, sulfur dioxide,
carbon monoxide, filterable and condensable particulate matter, and all other relevant hazardous air pollutants; and

(D) to ensure that the continuous monitoring of combustion devices required under subparagraphs (A) and (C) are used to determine the compliance of facilities regulated by those subparts with the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) CLEAN WATER REQUIREMENTS FOR COVERED FACILITIES.—

(1) BAT AND NSPS STANDARDS FOR PLASTIC POLYMER PRODUCTION.—Not later than 3 years after the date of enactment of this Act, the Administrator shall promulgate a final rule—

(A) modifying part 414 of title 40, Code of Federal Regulations, to ensure that the best available technology and new source performance standard requirements under that part reflect updated best available technology and best available demonstrated control technology for all pollutants discharged by covered facilities that produce covered products, including pollutants of concern that are not regulated on the date of enactment of this Act;
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(B) modifying sections 414.91(b), 414.101(b), and 414.111(b) of title 40, Code of Federal Regulations, to ensure that—

(i) for new source performance standards for applicable covered facilities producing covered products, the maximum effluent limit for any 1 day and for any monthly average for the priority pollutants described in appendix A to part 423 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), is 0 milligrams per liter, unless the Administrator—

(I) determines that higher limits are justified using best available demonstrated control technology; and

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

(ii) for best available technology and new source performance standards, the maximum effluent limit for any 1 day and for any monthly average for total plastic pellets and other plastic material is 0 milligrams per liter; and
(C) that ensures that the best available
technology limitations described in part 414 of
title 40, Code of Federal Regulations (as modi-
fied under subparagraph (A)) apply to covered
facilities that produce fewer than 5,000,001
pounds of covered products per year.

(2) Revised effluent limitations guidelines for petrochemical feedstock and poly-
mer production.—

(A) BAT and NCPS standards.—Not later than 3 years after the date of enactment
of this Act, the Administrator shall promulgate a final rule—

(i) modifying sections 419.23, 419.26,
419.33, and 419.36 of title 40, Code of Federal Regulations, to ensure that the best available technology and new source
performance standards reflect updated best available technology and best available
demonstrated control technology for all pollutants discharged by covered facilities
producing petrochemical feedstocks and polymers; and

(ii) modifying sections 419.26(a) and 419.36(a) of title 40, Code of Federal Reg-
ulations, to ensure that the new source
performance standards for any 1 day and
for average of daily values for 30 consecu-
tive days for the priority pollutants de-
dscribed in appendix A to part 423 of title
40, Code of Federal Regulations (as in ef-
effect on the date of enactment of this Act),
is 0 milligrams per liter, unless the Admin-
istrator—

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

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

(B) Runoff limitations for ethylene
and propylene production.—Not later than
3 years after the date of enactment of this Act,
the Administrator shall promulgate a final rule
modifying sections 419.26(e) and 419.36(e) of
title 40, Code of Federal Regulations, to ensure
that runoff limitations that reflect best avail-
able demonstrated control technology are in-
cluded.
(f) **Environmental Justice Requirements for Covered Facilities.**—

(1) **In general.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate a final rule to ensure that—

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

(i) assesses the direct, indirect, and cumulative economic, environmental, and public health impacts of the proposed permit on fenceline communities; and

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

(B) each proposed permit and environmental justice assessment described in subparagraph (A) is delivered to applicable fenceline communities at the beginning of the public com-
ment period for the proposed permit for purposes of notification and consultation, which shall include—

(i) prompt notification—

(I) through direct means, including in non-English languages for limited English proficiency individuals;

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

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

(aa) for which public notice is provided—

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

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

(bb) for which translation services are provided; and
(cc) that is accessible through live-streaming or alternative video streaming services for which translation services are provided; and

(ii) after the prompt notification required under clause (i), consultation that—

(I) facilitates effective collaboration and informed policymaking that further recognizes the importance of regular communication and collaboration with fenceline communities, regardless of whether specific regulatory or policy changes are being considered;

(II) seeks information and input from fenceline communities by soliciting the collaboration, cooperation, and participation of those fenceline communities;

(III) includes an in-person meeting or a telephone conference that—

(aa) is in a location, if applicable, that is selected by those engaged in the consultation to be
mutually accessible to representatives of fenceline communities and applicable Federal or State government participants; and

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

(IV) ensures that any health or environmental concerns raised by fenceline communities with be properly investigated and considered in decisions to grant or deny the proposed permit; and

(V) explains to the representatives of the fenceline community the range of resulting actions that the Administrator or State agency may take;

(C) the Administrator or a State agency to which authority is delegated under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable, shall not approve a proposed permit described in subparagraph (A) unless—
(i) changes or alterations have been incorporated into the revised proposed permit that, to the maximum extent practicable, eliminate or mitigate the impacts described in subparagraph (A)(i);

(ii) the changes or alterations described in clause (i) have been developed with meaningful input from residents or representatives of the fenceline community in which the covered facility to which the proposed permit would apply is located or seeks to locate; and

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

(I) has been entered into after the prompt notification and consultation required under clauses (i) and (ii), respectively, of subparagraph (B); and

(II) stipulates the benefits the covered facility agrees to fund or furnish in exchange for community support for the covered facility, which may include—
(aa) commitments to hire directly from a community;

(bb) contributions to economic and health trust funds;

(cc) local workforce training guarantees;

(dd) increased pollution control technologies;

(ee) operation restrictions;

(ff) financial assurances;

and

(gg) siting restrictions;

(D) the Administrator or a State agency to which authority is delegated under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable, shall not approve a proposed permit described in subparagraph (A) during the 45-day period beginning on the date on which a public hearing described in subparagraph (B)(i)(III) is held for the proposed permit;

(E) the approval of a proposed permit described in subparagraph (A) is conditioned on the covered facility providing—
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(i) response strategies that fully pro-
tect public health and safety and the envi-
ronment in fenceline communities, for
which the affected fenceline communities
have the opportunity to provide meaningful
input; and

(ii) subject to subparagraph (F)—

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

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

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

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

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

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

(ii) if a release of information to the public is not limited due to confidentiality concerns, made publicly available in accordance with subclauses (I) and (II) of subparagraph (B)(i).

(2) REQUIREMENTS.—

(A) INPUT.—The Administrator shall develop the final rule under paragraph (1) with meaningful input from—

(i) residents of fenceline communities; and

(ii) representatives of fenceline communities.

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

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

(ii) accounts for limited English proficiency individuals.

(3) REPORT TO CONGRESS ON STATE PERMITTING PROGRAMS.—Not later than 2 years after the date on which the final rule required under paragraph (1) is published in the Federal Register, and not less frequently than once every 5 years thereafter, the Administrator shall submit to Congress a report evaluating the implementation by States of required environmental justice considerations pursuant to that final rule in State permitting programs under the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(g) TOXIC SUBSTANCES.—
(1) **INVENTORY AND REPORTING.**—Section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)) is amended by adding at the end the following:

“(11) **PLASTICS.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **COVERED FACILITY; COVERED PRODUCT.**—The terms ‘covered facility’ and ‘covered product’ have the meanings given those terms in section 204(a) of the Protecting Communities from Plastics Act.

“(ii) **PLASTIC; SINGLE-USE PLASTIC.**—The terms ‘plastic’ and ‘single-use plastic’ have the meanings given those terms in section 203 of the Protecting Communities from Plastics Act.

“(B) **INVENTORY.**—Not later than April 1, 2025, and every 3 years thereafter, the Administrator shall prepare, and publish in the Federal Register, an inventory of plastic manufacturing, distribution in commerce, and trade in the United States.

“(C) **PROCESS.**—In preparing the inventory under subparagraph (B), the Administrator shall—
“(i) identify—

“(I) each covered facility; and

“(II) any other manufacturer of plastic products;

“(ii) identify—

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

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

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

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

“(I) in the aggregate; and

“(II) by use category;

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

“(v) provide information and quantified estimates regarding the fate of the plastic products at the end of useful life;
“(vi) identify the chemicals used in polymer or plastic production that may pose a potential risk to human health and the environment, taking into account the data reported under subparagraph (D)(i), which shall include, at a minimum, the information described in subparagraphs (A) through (G) of subsection (a)(2); “(vii) specify any chemicals identified under clause (vi)— “(I) that are undergoing regulatory action under section 6; or “(II) for which regulatory action under section 6 is anticipated during the following 3 years; “(viii) for each chemical identified under clause (vi) that is not specified under clause (vii), provide a timetable for regulatory action under section 6 and any other recommended actions, including proposed revisions of Federal law or regulations, to achieve further reductions in plastic manufacture or distribution in commerce; and
“(ix) propose revisions to Federal law or regulations to achieve further reductions in plastic manufacture or distribution in commerce.

“(D) REPORTING.—

“(i) IN GENERAL.—To assist in the preparation of the inventory under subparagraph (B), notwithstanding section 3(2)(B), each person that manufactures a covered product used in plastic production, and each person that manufactures a plastic product, shall submit to the Administrator periodic reports at such time and including such information as the Administrator shall determine, by rule.

“(ii) PROMULGATION OF RULE.—Not later than July 1, 2024, the Administrator shall promulgate the rule described in clause (i).

“(iii) PREVIOUSLY SUBMITTED INFORMATION.—To avoid duplication, information previously submitted to the Administrator under this section may be considered to be partially compliant with the reporting requirements of this subparagraph
if the information previously submitted is an accurate reflection of the current information.

“(iv) Public Availability.—The Administrator shall make available to the public, in an accessible database, the reports submitted under clause (i), in accordance with section 14.”.

(2) Cumulative Health Risks Posed by Covered Facilities.—

(A) Definitions.—In this paragraph:

(i) Chemical Substance; Mixture.—The terms “chemical substance” and “mixture” have the meanings given those terms in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(ii) Covered Facility.—The term “covered facility” means a covered facility identified in the inventory.

(iii) Inventory.—The term “inventory” means the inventory published under paragraph (11) of section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)).
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(B) ASSESSMENT.—Not later than April 1, 2027, taking into account the inventory, the Administrator shall conduct a single assessment of the aggregate, cumulative public health impacts on fenceline communities at covered facilities.

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

(i) ascertain the potentially exposed or susceptible subpopulations;

(ii) estimate the magnitude of the potential health impacts on—

(I) fenceline communities generally; and

(II) more exposed or susceptible subpopulations specifically;

(iii) determine which chemical substances or mixtures may be causing or contributing to potential adverse public health impacts;

(iv) include an assessment of—

(I) the cumulative exposures associated with covered facilities from all chemicals used to make plastic polymers;
(II) the chemical substances (including plastic polymers, additives, and byproducts) produced from—

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

(bb) waste-to-fuel technology; and

(III) the impact of chemical substances (including plastic polymers, additives, and byproducts) on—

(aa) the recyclability of plastics;

(bb) the use of recycled content in food contact products and packaging; and

(cc) public health; and

(v) focus on—

(I) communities located near covered facilities;

(II) workers at covered facilities;

(III) other potentially exposed or susceptible subpopulations; and

(IV) impacts in other countries resulting from—
(aa) volatile organic compounds, metals, and other toxic additives and air emissions of foreign recycling facilities;

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

(cc) disposal and management of unrecycled fractions from the exports described in item (bb);

(dd) water and land pollution resulting from importation of those exports; and

(ee) the legality of those imports, including under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, done at Basel, Switzerland, March 22, 1989.
(D) **Procedural requirements.**—The assessment under subparagraph (B) shall be subject to—

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

(ii) peer review by the Science Advisory Committee on Chemicals established under section 26(o) of the Toxic Substances Control Act (15 U.S.C. 2625(o)).

(3) **High-priority substances.**—

(A) **Styrene and vinyl chloride.**—Not later than 2 years after the date of enactment of this Act, the Administrator, after public notice and an opportunity for comment, shall make a final prioritization determination under section 6(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2605(b)(1)) relating to—

(i) styrene (including polystyrene); and

(ii) vinyl chloride (including polyvinyl chloride).

(B) **Other chemicals or mixtures.**—With respect to any chemical substances or mixtures (as those terms are defined in section 3 of the Toxic Substances Control Act (15
not described in subparagraph (A) and identified in the assessment under paragraph (2) as causing or contributing to potential adverse public health impacts, the Administrator shall—

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

(ii) specify applicable timetables for action as part of the inventory in accordance with clause (vii) or (viii) of paragraph (11) of section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)).

(4) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(h) HAZARDOUS WASTE.—Not later than 180 days after the date of enactment of this Act, the Administrator
shall initiate a rulemaking to list discarded polyvinyl chloride as a hazardous waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(i) **Cumulative Impact Requirements for Covered Facilities.**—

(1) **Federal Water Pollution Control Act.**—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended—

(A) by striking the section designation and heading and all that follows through “Except as” in subsection (a)(1) and inserting the following:

“SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

“(a) **Permits Issued by Administrator.**—

“(1) **In general.**—Except as”;

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by striking “upon condition that such discharge will meet either (A) all” and inserting the following:

“subject to the conditions that—

“(A) the discharge will achieve compliance with—

“(i) all”;
(II) by striking “403 of this Act, or (B) prior” and inserting the following: “403; or “(ii) prior”; and

(III) by striking “this Act.” and inserting the following: “this Act; and “(B) as applicable, with respect to the issuance or renewal of the permit to a covered facility (as defined in section 204(a) of the Protecting Communities from Plastics Act)—

“(i) based on an analysis by the Administrator of existing water quality and the potential cumulative impacts (as defined in section 501 of the Clean Air Act (42 U.S.C. 7661)) of the discharge from the covered facility (as so defined), considered in conjunction with the designated and actual uses of the impacted navigable water, there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation; or

“(ii) if the Administrator determines that, due to those potential cumulative impacts, there does not exist a reasonable
certainty of no harm to the health of the
general population, or to any potentially
exposed or susceptible subpopulation, the
permit or renewal includes such terms and
conditions as the Administrator determines
to be necessary to ensure a reasonable cer-
tainty of no harm.”; and

(ii) in paragraph (2), by striking “as-
sure compliance with the requirements of
paragraph (1) of this subsection, including
conditions on data and information collect-
ion, reporting, and such other require-
ments as he deems appropriate.” and in-
serting the following: “ensure compliance
with the requirements of paragraph (1), in-
cluding—

“(A) conditions relating to—

“(i) data and information collection;

“(ii) reporting; and

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

“(B) with respect to covered facilities (as
defined in section 204(a) of the Protecting
Communities from Plastics Act) additional con-
trols or pollution prevention requirements.”;

and

(C) in subsection (b)—

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

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

and

(iii) by adding at the end the following:

“(10) To ensure that no permit will be issued to or renewed for a covered facility (as defined in section 204(a) of the Protecting Communities from Plastics Act) if, with respect to an application for the permit, the State determines, based on an analysis by the State of existing water quality and the potential cumulative impacts (as defined in section 501 of the Clean Air Act (42 U.S.C. 7661)) of the discharge from the covered facility (as so defined), considered in conjunction with the designated and actual uses of the impacted navigable water, that the terms and conditions of the permit or renewal would not be sufficient to ensure a reasonable certainty of
no harm to the health of the general population, or
to any potentially exposed or susceptible subpopula-
tion.”.

(2) CLEAN AIR ACT.—

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

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

(ii) by redesignating paragraphs (2),
(3), and (4) as paragraphs (3), (5), and
(4), respectively, and moving the para-
graphs so as to appear in numerical order;
and

(iii) by inserting after paragraph (1)
the following:

“(2) CUMULATIVE IMPACTS.—The term ‘cumu-

lative impacts’ means any exposure, public health or
environmental risk, or other effect occurring in a
specific geographical area, including from an emis-
sion or release—

“(A) including—

“(i) environmental pollution re-
leased—

“(I) routinely;
“(II) accidentally; or
“(III) otherwise; and
“(ii) as assessed based on the combined past, present, and reasonably foreseeable emissions and discharges affecting the geographical area; and
“(B) evaluated taking into account sensitive populations and socioeconomic factors, where applicable.”.

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

(i) in paragraph (5)—

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

(II) by striking subparagraph (F) and inserting the following:

“(F) ensure that no permit will be issued to or renewed for a covered facility (as defined in section 204(a) of the Protecting Communities from Plastics Act), as applicable, if—

“(i) with respect to an application for a permit or renewal of a permit for a major source that is a covered facility (as
defined in section 204(a) of the Protecting Communities from Plastics Act), the permitting authority determines under paragraph (9)(C)(ii)(I)(bb)(BB) that the terms and conditions of the permit or renewal would not be sufficient to ensure a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, of the applicable census tracts or Tribal census tracts (as those terms are defined by the Director of the Bureau of the Census); or

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

(ii) in paragraph (9)—

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

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

(II) in the third sentence, by striking “No such revision shall” and inserting the following:
“(ii) Exception.—A revision under this paragraph shall not”;

(III) in the second sentence, by striking “Such revisions” and inserting the following:

“(B) Revision requirements.—

“(i) Deadline.—A revision described in subparagraph (A) or (C)”;

(IV) by striking “(9) A requirement” and inserting the following:

“(9) Major sources.—

“(A) In general.—Subject to subparagraph (C), a requirement that”; and

(V) by adding at the end the following:

“(C) Certain plastics facilities.—

“(i) Definition of covered facility.—In this subparagraph, the term ‘covered facility’ has the meaning given the term in section 204(a) of the Protecting Communities from Plastics Act.

“(ii) Additional requirements.—

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

“(I) evaluate the potential cumulative impacts of the proposed covered facility, as described in the applicable cumulative impacts analysis submitted under section 503(b)(3);

“(II) if, due to those potential cumulative impacts, the permitting authority cannot determine that there exists a reasonable certainty of no harm to the health of the general population, or to any potentially exposed or susceptible subpopulation, of any census tracts or Tribal census tracts (as those terms are defined by the Director of the Bureau of the Census) located in, or immediately adjacent to, the area in which the covered facility is, or is proposed to be, located—

“(aa) include in the permit or renewal such terms and conditions (including additional controls or pollution prevention requirements) as the permitting
authority determines to be necessary to ensure a reasonable certainty of no harm; or

“(bb) if the permitting authority determines that terms and conditions described in item (aa) would not be sufficient to ensure a reasonable certainty of no harm, deny the issuance or renewal of the permit;

“(III) determine whether the applicant is a persistent violator, based on such criteria relating to the history of compliance by an applicant with this Act as the Administrator shall establish by not later than 180 days after the date of enactment of the Protecting Communities from Plastics Act;

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

“(aa) require the applicant to submit a redemption plan that describes, if the applicant is not in compliance with this Act, measures the applicant will carry out to achieve that compliance, together with an approximate deadline for that achievement, measures the applicant will carry out, or has carried out to ensure the applicant will remain in compliance with this Act, and to mitigate the environmental and health effects of noncompliance, and the measures the applicant has carried out in preparing the redemption plan to consult or negotiate with the communities affected by each persistent violation addressed in the plan; and

“(bb) once such a redemption plan is submitted, determine whether the plan is adequate to
ensuring that the applicant will achieve compliance with this Act expeditiously, will remain in compliance with this Act, will mitigate the environmental and health effects of noncompliance, and has solicited and responded to community input regarding the redemption plan; and

“(V) deny the issuance or renewal of the permit if the permitting authority determines that—

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

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

“(BB) no indication of extremely exigent circumstances excusing the persistent violations exists.”.

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

“(3) ANALYSES FOR CERTAIN PLASTICS FACILITIES.—The regulations required by section 502(b) shall include a requirement that an applicant for a permit or renewal of a permit for a major source that is a covered facility (as defined in section 204(a) of the Protecting Communities from Plastics Act) shall submit, together with the compliance plan required under this subsection, a cumulative impacts analysis for each census block tract or Tribal census block tract (as those terms are defined by the Director of the Bureau of the Census) located within 10 kilometers of, or immediately adjacent to, the area in which the major source that is a covered source (as so defined) is, or is proposed to be, located that analyzes—

“(A) community demographics and locations of community exposure points, such as residences, schools, daycare centers, nursing homes, hospitals, health clinics, places of religious worship, parks, playgrounds, and community centers;

“(B) air quality (including with respect to hazardous air pollutants and criteria pollutants)
and the potential effect on that air quality of emissions of air pollutants (including pollutants
listed under section 108 or 112) from the proposed covered facility (as so defined), including
in combination with existing sources of pollutants;

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

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

(j) **FINANCIAL ASSURANCE REQUIREMENTS FOR COVERED FACILITIES.**—

(1) **IN GENERAL.**—Not later than 2 years after
the date of enactment of this Act, the Administrator
shall develop and require as a condition to receiving
a permit under the Clean Air Act (42 U.S.C. 7401
et seq.) or the Federal Water Pollution Control Act
(33 U.S.C. 1251 et seq.) financial assurance require-
ments for new covered facilities that demonstrate
the presence of sufficient financial resources—
(A) to safely close the covered facility at the end of the operational life of the covered facility; or

(B) to provide appropriate emergency response in the case of an accidental release.

(2) Application to existing covered facilities.—The financial assurance requirements under paragraph (1) shall apply to existing covered facilities at the time at which an existing covered facility seeks renewal of a permit under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as applicable.

(k) Siting restrictions for new covered facilities.—The issuance or approval of a permit under the Clean Air Act (42 U.S.C. 7401 et seq.) or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for a new covered facility, or for the expansion of an existing covered facility, shall be prohibited within 5 miles of a community building or area, including a school, a residence, a daycare center, a nursing home, a hospital, a health clinic, a place of religious worship, a park, a playground, and a community center.
SEC. 205. MICROPLASTICS RESEARCH AND DIRECTIVES.

(a) Definition of Microplastic.—In this section, the term “microplastic” means a plastic or plastic-coated particle that is less than 5 millimeters in any dimension.

(b) National Recycling Strategy Limitation.—The Administrator shall not expand the scope of the National Recycling Strategy of the Environmental Protection Agency to include facilities that treat plastic waste through the use of pyrolysis, gasification, or similar chemical recycling technologies.

(c) Food and Drug Administration Study.—

(1) In General.—The Commissioner of Food and Drugs, in consultation with the Secretary of Agriculture and the heads of other necessary Federal departments and agencies, such as the Director of the National Institute of Standards and Technology, shall conduct a nationwide study on the presence and sources of microplastics in food (including drink) products, including food products containing fish, meat, fruits, or vegetables.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs shall submit to Congress, and make publicly available, a report describing the results of the study under this subsection.
(3) Authorization of Appropriations.—
There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(d) Microplastics Pilot Program.—

(1) Establishment.—The Administrator shall establish a pilot program (referred to in this subsection as the “pilot program”) to test the efficacy and cost-effectiveness of tools, technologies, and techniques—

(A) to remove microplastics from the environment without causing additional harm to the environment; and

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

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

(A) natural infrastructure;

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

(C) mechanical removal systems (such as pumps) and filtration technologies, including consideration of potential negative ecological
impacts that may result from filtration in natural waterways and ocean waters.

(3) ELIGIBLE LOCATIONS.—The Administrator may carry out under the pilot program projects located in—

(A) stormwater systems;

(B) wastewater treatment facilities;

(C) drinking water systems;

(D) ports, harbors, inland waterways, estuaries, and marine environments; and

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

(4) OUTREACH.—In determining selection criteria and projects to carry out under the pilot program, the Administrator shall conduct outreach to—

(A) the Interagency Marine Debris Coordinating Committee established by section 5(a) of the Marine Debris Act (33 U.S.C. 1954(a)); and

(B) stakeholders and experts in the applicable field, as determined by the Administrator.

(5) REPORTS.—

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

(B) PROJECT EFFECTIVENESS.—Not later than 3 years after the date on which the Administrator establishes the pilot program, the Administrator shall submit to Congress a report describing the effectiveness of projects carried out under the pilot program.

(6) RULEMAKING REQUIRED.—Not later than 1 year after the date on which the Administrator submits to Congress the report required under paragraph (5)(B), the Administrator shall initiate a rulemaking to address abatement and mitigation of microplastics in the locations described in paragraph (3) using technologies and methods tested under the pilot program.

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

(e) NATIONAL INSTITUTES OF HEALTH RESEARCH.—

(1) IN GENERAL.—The Director of the National Institutes of Health shall conduct or support research on the presence of microplastics in the human body, which may include determining how
the presence of microplastics in organs and biospecimens, including urine, breastmilk, and stool, impacts human health.

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

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

SEC. 206. REDUCING SINGLE-USE PLASTICS IN AGRICULTURE.

(a) BIODEGRADABLE WEED BARRIERS PRACTICES UNDER EQIP.—The Secretary of Agriculture shall designate a project to replace the use of on-farm plastic weed barriers and weed mitigants with nonplastic, biodegradable alternatives as an agricultural conservation practice or enhancement that meets the requirement described in section 21001(a)(1)(B)(iii) of Public Law 117–169 (136 Stat. 2016) (commonly known as the “Inflation Reduction Act of 2022”).
(b) Single-use Plastic Farm Product Packaging Reduction Grants.—Section 210A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1627c) is amended—

(1) in subsection (b)—

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

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

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

“(6) supports the reduction of single-use plastics from the post-production distribution packaging of agricultural producers; and”;

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

(3) in paragraph (1) of subsection (i) (as so redesignated), in the matter preceding subparagraph (A), by striking “subsection (i)(3)(E)” and inserting “subsection (j)(3)(E)”;

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

(5) by inserting after subsection (e) the following:
“(f) **Single-use Plastic Farm Product Packaging Reduction Grants.**—

“(1) **In general.**—The Secretary, acting through the Administrator of the Agricultural Marketing Service and in coordination with the Administrator of the Rural Business-Cooperative Service, shall provide grants to eligible entities described in paragraph (2) to significantly reduce or eliminate single-use plastics from the post-production distribution packaging of the entities.

“(2) **Eligible entities.**—An entity shall be eligible for a grant under paragraph (1) if the entity is—

“(A) an independent producer, as determined by the Secretary, of a value-added agricultural product; or

“(B) an agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture, as determined by the Secretary.

“(3) **Grant amount.**—The amount of a grant provided under paragraph (1) shall be not more than $250,000.

“(4) **Term.**—The term of a grant provided under paragraph (1) shall be 3 years.
“(5) PRIORITY.—In providing grants under paragraph (1), the Secretary shall give priority to—

“(A) beginning farmers or ranchers;
“(B) veteran farmers or ranchers;
“(C) organic and regenerative farmers; and
“(D) socially disadvantaged farmers or ranchers.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2024 through 2032.”.

TITLE III—PLASTIC PELLET-FREE WATERS

SEC. 301. EFFLUENT LIMITATIONS FOR WASTEWATER, SPILLS, AND RUNOFF FROM PLASTIC POLYMER PRODUCTION FACILITIES, PLASTIC MOLDING AND FORMING FACILITIES, AND OTHER POINT SOURCES ASSOCIATED WITH THE TRANSPORT AND PACKAGING OF PLASTIC PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall promulgate a final rule to ensure that—
(1) the discharge of plastic pellets or other preproduction plastic materials (including discharge into wastewater and other runoff) from facilities regulated under part 414 or 463 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), is prohibited;

(2) the discharge of plastic pellets or other preproduction plastic materials (including discharge into wastewater and other runoff) from a point source (as defined in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362)) that makes, uses, packages, or transports those plastic pellets and other preproduction plastic materials is prohibited; and

(3) the requirements under paragraphs (1) and (2) are reflected in—

(A) all wastewater, stormwater, and other permits issued by the Administrator and State-delegated programs under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) to facilities and other point sources (as defined in section 502 of that Act (33 U.S.C. 1362)) that make, use, package, or transport plastic pellets or other preproduction plastic materials, as determined by the Administrator,
in addition to other applicable limits and standards; and

(B) all standards of performance promulgated under section 312(p) of the Federal Water Pollution Control Act (33 U.S.C. 1322(p)) that are applicable to point sources (as defined in section 502 of that Act (33 U.S.C. 1362)) that make, use, package, or transport plastic pellets or other preproduction plastic materials, as determined by the Administrator.