

# Break Free *from* Plastic Pollution

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

### SEC. 12001. DEFINITIONS

#### SEC. 12101. EXTENDED RESPONSIBILITY

Extended producer responsibility (EPR) is a policy highlighting the producer's responsibility for the post-consumer management of its products and packaging. This includes (1) shifting financial and management responsibility, with government and key stakeholder oversight, away from the public and upstream to the producer; and (2) providing incentives to producers to incorporate environmental considerations into the design of their products and packaging.

Set performance targets for covered products and beverage containers. Recycling rate targets (by type of covered material):

- Not less than 50 percent by January 1, 2030
- Not less than 65 percent by January 1, 2040
- Not less than 75 percent by January 1, 2050

#### SEC. 12102. PRODUCER RESPONSIBILITY ORGANIZATIONS

The legislation will require producers to cooperate with other producers of similar products to take responsibility for their waste and implement cleanup programs with Environmental Protection Agency (EPA) approval. This will be done through Producer Responsibility Organizations (PROs). PROs will provide efficiencies and economies of scale by coordinating producers of similar products to design and finance their programs together.

PROs will be non-profit entities that are financed by fees on the participating producers. Fees will be assessed depending on producer company size and how wasteful and difficult to clean up their products are. PROs will be the responsible entities for management and cleanup costs, as well as any administrative costs of oversight from the EPA. Multiple PROs will be coordinated by the EPA or a coordinating body so that state and local governments do not interact with several different entities.

Each PRO will draft a Product Stewardship Plan detailing how they will achieve the targets of the program and submit these plans to the EPA for approval.

### **SEC. 12103. PRODUCT STEWARDSHIP PLANS.**

Producer Responsibility Organizations (PROs) will be required to develop EPA-approved Product Stewardship Plans. Plans will describe how the PROs will meet the requirements detailed in Section 12101 including a source reduction plan, a plan to use and expand recycling infrastructure to meet the recycling targets, a consumer education and outreach plan, and a transparent budget for implementing this plan. Plans will be submitted to EPA for oversight and approval.

### **SEC. 12104. MEMBERSHIP FEES**

Requires that each Producer Responsibility Organization establish a fee for producers participating in the Organization based on the amount of material each producer puts into the market and the costs for managing that material. Fees will also be “eco-modulated” (adjusted up or down) based on factors that increase or decrease the environmental impacts of the material. Fees will be decreased for the increased use of post-consumer recycled content, standardizing materials, accelerating source reduction, and certified compostable materials that do not contain toxic substances.

### **SEC. 12105. SINGLE-USE PLASTIC SOURCE REDUCTION REQUIREMENTS**

Producer Responsibility Organizations will meet the following source reduction target for covered single-use plastic products and beverage containers:

- 25 percent, by weight and by plastic component by January 1, 2032
- 40 percent, by weight and by plastic component by January 1, 2040
- 50 percent, by weight and by plastic component by January 1, 2050

### **SEC. 12106. ADVISORY COMMITTEES**

The EPA Administrator will establish one or more advisory committee(s) that reflect a range of interested and engaged stakeholders representing the entire supply chain of covered products and beverage containers. This advisory committee will work with the EPA to oversee the PROs including reviewing the Plan of the Producer Responsibility Organizations as well as reports, audits, and other materials.

### **SEC. 12107. REDUCTION, REUSE, AND RECYCLING NEEDS ASSESSMENT**

Requires the EPA within 1 year of enactment, and every 5 years after, work with a qualified consultant to conduct a needs assessment. The assessment will inform the Producer Responsibility Organization’s Plans and budgets by identifying barriers to, and opportunities for, reducing, reusing, and recycling covered products and beverage containers.

### **SEC. 12108. NATIONAL BEVERAGE CONTAINER PROGRAM**

Producers of beverages sold in beverage containers of any material, including plastic, metal, and glass, will be required to set up a beverage container deposit system (e.g., “bottle bill”). Producers will be required to include a minimum 10-cent refund price on each beverage container.

Retailers will be charged this refund value as a deposit by the producer and will pass the charge on to consumers. Each time a beverage container is returned, the refund value will be refunded to the consumer. Any unclaimed or unreturned deposits will be kept by the responsible beverage Producer Responsibility Organization to re-invest in recycling programs and infrastructure.

States that have existing beverage container programs already in effect before the date of enactment of this act will be able to continue their program or join the federal program.

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

Within 2 years of enactment, retailers may not sell or distribute single-use beverage containers that contain certain toxic substances. These prohibited plastics have been identified by the [U.S. Plastic’s Pact, a consortium of over 100 businesses and non-profits throughout the plastics lifecycle, as problematic or unnecessary packaging](#) to be phased out by 2025.

#### **SEC. 12110. REPORTING AND AUDITING**

Producer Responsibility Organizations are required to issue and make publicly available a report every year detailing progress towards targets and how the budget was used over the last year. Every two years, the EPA will conduct any audit of the PROs progress towards goals.

#### **SEC. 12111. PUBLIC OUTREACH AND EDUCATION**

Producer Responsibility Organizations will have to conduct outreach and education to inform consumers about proper end-of-life management of covered products and beverage containers, the location and availability of curbside and drop-off collection opportunities, methods to prevent litter of covered products and beverage containers, as well as reuse, recycling, and composting instructions.

#### **SEC. 12112. REDUCTION AND LITTER CLEANUP TRUST FUND**

The EPA will establish an additional fee for producers that use plastics and for the producers of plastic resin (e.g., petrochemical producers) to pay into the Reduction and Litter Cleanup Trust Fund each year. This fund will be used to issue grants related to expanding reuse and refill infrastructure, litter cleanups, or environmental remediation. It prioritizes funds from the trust fund to environmental justice communities.

#### **SEC. 12113. PROHIBITION ON CERTAIN TOXIC SUBSTANCES AND MATERIALS**

Within 4 years of enactment, producers may not sell packaging that contains toxic substances or prohibited plastic packaging (detailed in definitions in Sec. 12001). Requires that the EPA promulgate regulations to prohibit the use in packaging of any additional substances they identify as toxic within 180 days of designation.

#### **SEC. 12114. ENFORCEMENT**

Enforcement standards for the Inspector General of the Environmental Protection Agency, in consultation with the EPA Administrator and the Attorney General.

#### **SEC. 12202. BAG REQUIREMENTS**

Beginning 1 year after enactment, no retail establishment or food service business may provide or sell single-use plastic bags. They may offer single-use paper bags, or reusable bags, for sale for at least \$0.10.

#### **SEC. 12203. FOOD SERVICE PRODUCTS**

Beginning 18 months after enactment, no person may sell or offer for sale any polystyrene foam food service products and no food service business may use polystyrene foam food service products to sell or offer food. Exception for meat and fish trays and produce packaged by the producer for the first two years. The EPA may also approve of a waiver if there are demonstrably no feasible, commercial alternatives for a specific product or for small businesses. No person may sell or offer for sale any plastic utensils, stirrers, splash stick, cocktail stick, sandwich stick, or toothpick and no food service business may use those items to sell or offer food. Beginning 1 year after enactment, a food service business may only provide a food service accessory upon request.

Beginning 1 year after enactment, any condiments services for consumption on the premises of a food service business may only be provided in a reusable container or in a bulk dispenser.

Single-use plastic straws or single-use condiment packets will be available to any individual that requests it due to a disability or other medical or physical condition or circumstance.

#### **SEC. 12204. VIOLATIONS, ENFORCEMENT**

Establishes a process for increased fines for repeated violations, starting with a warning for the initial violation. Fines collected by the EPA Administrator, or an affected local government will be remitted to the EPA.

#### **SEC. 12205. EDUCATION AND OUTREACH**

Within 120 days of enactment, the EPA will establish a program to assist people in achieving compliance including by developing a public website with guidance and an online clearinghouse of vendors that provide environmentally sound alternatives. The EPA will work with local governments, environmental organizations, and the business community to develop and implement a public education program.

## **SEC. 12206. RULE MAKING**

The EPA Administrator may promulgate regulations as necessary to carry out this section.

## **SEC. 12211. SUBPART B DEFINITIONS**

## **SEC. 12212. PROHIBITION ON CERTAIN TRAVEL TOILETRIES**

Lodging establishments may not provide any small plastic bottles containing a personal care product effective 180 days after enactment for large lodging establishments (over 50 room capacity) or 1 year after enactment for small lodging establishments (less than 50 room capacity). A lodging establishment may still provide a small plastic bottle containing a personal care product at the request of an individual.

## **SEC. 12213. PROHIBITION ON BLACK PLASTICS**

Beginning 1 year after enactment, no retailer may sell or offer for sale any disposable black food service ware or any meat, fish, or vegetable trays or egg cartons made of black plastic and no food service business may use any disposable black food service ware. The EPA may approve of an exemption for a food business or retail establishment for a period of no longer than 180 days.

## **SEC. 12214. PROHIBITION ON NONCOMPOSTABLE PRODUCE STICKERS**

Beginning 1 year after enactment, no retailer may sell or distribute any produce with a noncompostable sticker.

## **SEC. 12215. ENFORCEMENT**

Establishes a process for increased fines for repeated violations, starting with a warning for the initial violation. Fines collected by the EPA Administrator, or a State carrying out enforcement with the permission of the EPA, will be remitted to the EPA.

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

Establishes a competitive grant program for expand access to reuse and refill systems. There are non-toxic requirements to the grant program. There is an emphasis on expanding to equitable access to this infrastructure.

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

Establishes a competitive grant program for reuse/refill water stations at publicly owned airports and train stations in metropolitan and suburban areas.

### **SEC. 12223. CLEAN COMMUNITIES PROGRAM.**

The EPA will create the “Clean Communities Program,” to leverage smart technology and social media to provide technical assistance to units of local government in cost-effectively identifying concentrated areas of pollution in that unit of local government and implementing source reduction solutions.

### **SEC. 12224. REPORT ON REUSE AND REFILL SYSTEMS**

Within 2 years of enactment, and every 5 years after, the EPA will publish a report on best practices relating to reuse and refill systems.

### **SEC. 12225. RECYCLING AND COMPOSTING RECEPTACLE LABELING**

This section requires the creation of guidelines for national standardized labeling for recycling and composting receptacles that are consistent throughout the United States.

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

This section requires a study on the environmental impacts and efficacy of tobacco filters made from plastic; and the environmental impacts of electronic cigarettes, including disposable plastic components of electronic cigarettes.

### **SEC. 12301. PROHIBITION ON CERTAIN EXPORTS**

Bans the exportation of any plastic waste, plastic paring, or scrap of plastic from the United States to non-OECD nations.

### **SEC. 12401. PROTECTION OF LOCAL GOVERNMENTS**

Nothing in this bill preempts any State or local laws to enact more stringent standards or requirements or additional product bans.

## **TITLE II—PROTECTING COMMUNITIES FROM PLASTICS**

### **SEC. 201. SHORT TITLE.**

The “Protecting Communities from Plastics Act”.

### **SEC. 202. FINDINGS.**

Findings regarding the impacts of plastic production on the climate crisis, vulnerable communities, and their contribution to increased use of fossil fuels.

### **SEC. 203. DEFINITIONS.**

## **SEC. 204. ENVIRONMENTAL JUSTICE PROTECTIONS AT COVERED FACILITIES.**

Establishes a study, offered by the Administrator of the EPA, with the National Academy of Science and the National Institutes of Health, of the plastics industry, including the existing and planned expansion of producers of covered products, the pollution impacts of facilities, and toxicity and use of additives in the production of plastics and the consequences to public health. The study must consider cumulative impacts.

Issues a permitting moratorium for covered facilities which restricts issuing of a new permit for a covered facility under the Clean Air Act or the Federal Water Pollution Control Act, and prohibits exports of covered products.

Sets new Clean Air Act requirements for covered facilities, designates petrochemical feedstock and polymer production facilities as a category of stationary sources under the Clean Air Act, and establishes new source performance standards under the Clean Air Act for those facilities. Additionally, this section regulates storage vessels for covered products and limits the flaring at these covered facilities. Sets national emission standards for hazardous air pollutants to improve implementation.

Sets new clean water requirements for covered facilities including requiring the use of Best Available Technology and New Source Performance Standards for plastic polymer production. Revised effluent limitations guidelines for petrochemical feedstock and polymer production.

Adds cumulative impact requirements for covered facilities in the Clean Air Act and in the Federal Water Pollution Control Act:

## **SEC. 402. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.**

Requires consideration of cumulative impacts to assure a reasonable certainty of no harm. Restricts siting for new covered facilities.

## **SEC. 205. MICROPLASTICS RESEARCH AND DIRECTIVES.**

Restricts the National Recycling Strategy of the EPA from including facilities that treat plastic waste through the use of pyrolysis, gasification, or similar chemical recycling technologies. Directs a Food and Drug Administration study on the presence and sources of microplastics in food (including drink) products, including food products containing fish, meat, fruits, or vegetables.

Establishes a microplastics pilot program to test the efficacy and cost-effectiveness of tools, technologies, and techniques to remove and prevent the release of microplastics into the environment.

Requires the National Institutes of Health to conduct research on the presence of microplastics in the human body.

**SEC. 206. REDUCING SINGLE-USE PLASTICS IN AGRICULTURE.**

Establishes biodegradable weed barriers practices under EQIP. Creates a grant program for single-use plastic farm product packaging in an amount not more than \$250,000, to significantly reduce or eliminate single-use plastics from the post-production distribution packaging of certain entities.

**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.**

Requires the EPA to prohibit the discharge of plastic pellets and other pre-production plastic into waterways from facilities and sources that make, use, package, or transport pellets.