

Break Free *from* Plastic Pollution

Break Free from Plastic Pollution Act of 2023 Summary

Plastic pollution is a crisis threatening our public health, our climate, our economy, and our planet. Plastic production and waste is fueling climate change and poisoning our bodies through the air we breathe, the water we drink, and the food we eat. And unless we act, things are only going to get worse. *The Break Free from Plastic Pollution Act of 2023*, from U.S. Senator Jeff Merkley (D-OR) and U.S. Representative Jared Huffman (D-CA-02) is the national strategy we need to address this growing crisis.

Plastic pollution has exploded into a global crisis that threatens our public health, economic security, and the future of our planet.

- Studies suggest that humans ingest over 800 microplastics per day.¹ Microplastics have been found in human blood, lungs, and breast milk.
- 450,000,000 tons of plastic is produced each year, a number that is projected to triple by 2050.²
- In the United States, the rate of plastic waste recycling decreased in 2021 to between 4 and 6 percent.³
- It is estimated that there are 171,000,000,000,000 pieces of plastic in the ocean, and that 1,300 marine species have consumed plastics.^{4 5}
- Studies have projected that the plastics industry will emit more greenhouse gas emissions than coal plants in the United States by 2030.⁶
- 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.⁷

¹ Mohamed Nor, Nur Hazimah, et al. "Lifetime accumulation of microplastic in children and adults." *Environmental science & technology* 55.8 (2021): 5084-5096.

² World Wildlife Fund, [Global Plastic Pollution Treaty Quick Guide](#)

³ Beyond Plastics and The Last Beach Cleanup, [Facts and Figures: 2021 U.S. Plastics Recycling Rate](#)

⁴ Eriksen M, Cowger W, Erdle LM, Coffin S, Villarrubia-Gómez P, Moore CJ, et al. (2023) A growing plastic smog, now estimated to be over 170 trillion plastic particles afloat in the world's oceans—Urgent solutions required. *PLoS ONE* 18(3): e0281596. <https://doi.org/10.1371/journal.pone.0281596>

⁵ Santos, Robson G., et al. Plastic Ingestion as an Evolutionary Trap: Toward a Holistic Understanding, www.science.org/doi/10.1126/science.abh0945.

⁶ Beyond Plastics, [The New Coal: Plastics & Climate Change](#)

⁷ Beyond Plastics, [The New Coal: Plastics & Climate Change](#)

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The *Break Free from Plastic Pollution Act* will provide national leadership to reduce the amount of wasteful plastic produced and reform our broken waste and recycling systems. The bill will shift the burden of cleanup and waste management to where it belongs: on the corporations that produce this waste, by –

- Requiring big corporations take responsibility for their pollution.
- Establishing aggressive source reduction targets for single-use plastic products and beverage containers.
- Creating a nationwide beverage container refund program, which has been successful in 10 states.
- Reducing and banning certain single-use plastic products that are not recyclable.
- Establishing grant programs to support reusable and refillable products.
- Pressing pause on new plastic facilities until critical environment justice and health protections are put in place.

Together we can tackle plastic pollution with bold action – but we must act now, before it's too late.

The *Break Free from Plastic Pollution Act* will:

Require big corporations take responsibility for their pollution:

- The bill creates an extended producer responsibility (EPR) policy. 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.

Establish aggressive source reduction targets for single-use plastic products and beverage Containers:

- Not later than January 1, 2032 → 25 percent, by weight and by plastic component
- Not later than January 1, 2040 → 40 percent, by weight and by plastic component
- Not later than January 1, 2050 → 50 percent, by weight and by plastic component

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Create a nationwide beverage container refund program, which has been successful in 10 states:

- The legislation will incentivize consumers to recycle by creating a 10-cent national refund program for all beverage containers, regardless of material, to be refunded to customers when they return containers.

Eliminate exposure to toxic substance:

Within 2 years, the bill bans retailers from selling beverage containers that are:

- composed wholly or partially of polyethylene terephthalate;
- opaque or pigmented a color other than transparent blue or transparent green;
- Contain polyethylene glycol; or
- Contain a toxic substance, as defined by the legislation.

Within 4 years, packaging may not contain toxic substances, as defined by the bill.

Establish a carry-out bag fee:

The bill states that 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.

Ban certain single-use plastic products that are not recyclable:

The bill bans the following items:

- Food service products made of foam.
- Plastic utensils, stirrers, splash sticks, cocktail sticks, or toothpicks.
- Single-use condiment packaging.
- Small, plastic personal care products at hotels.
- Black plastics.
- Non-compostable produce stickers.

Prevent Plastic Waste from Being Shipped to Developing Countries that Cannot Manage It:

- The bill prevents the export of plastic waste, scrap and pairings to countries that are not part of the Organization for Economic Co-operation and Development (OECD), many of whom have been a major source of ocean plastic pollution.

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Establish grant programs to support reusable and refillable products:

- The bill establishes a competitive grant program for expand access to reuse and refill systems.
- It also establishes a competitive grant program for reuse/refill water stations at publicly owned airports and train stations

The *Break Free From Plastic Pollution Act* includes the *Protecting Communities from Plastics Act* as introduced by Senators Cory Booker (D-NJ), Merkley, and, Chris Van Hollen (D-MD), which:

- Issues a permitting moratorium for plastic facilities that restricts the issuing of new permits for these facilities under the Clean Air Act or the Federal Water Pollution Control Act.
- Sets new Clean Air Act requirements for plastic facilities.
- Sets national emission standards for hazardous air pollutants at plastic facilities.
- Sets new clean water requirements at plastic facilities.
- Establishes environmental justice requirements for plastic facilities, including assessing cumulative economic, environmental, and public health impacts for proposed facilities.

The *Protecting Communities from Plastics Act* also establishes new microplastics research and directives, including:

- Directing the 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.
- Directing the National Institutes of Health to conduct 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.

The *Break Free from Plastic Pollution Act* includes the *Plastic Pellet-Free Waters Act* as introduced by Senator Dick Durbin (D-IL), which:

- 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.