

117TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY 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 their consumer products and packaging, to prevent pollution from consumer products and packaging from entering into animal and human food chains and waterways, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

12 **“SEC. 12001. DEFINITIONS.**

13 “In this subtitle:

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

17 “(2) BEVERAGE.—

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

21 “(i) water;

22 “(ii) flavored water;

23 “(iii) soda water;

24 “(iv) mineral water;

25 “(v) beer;

26 “(vi) a malt beverage;

- 1 “(vii) a carbonated soft drink;
2 “(viii) liquor;
3 “(ix) tea;
4 “(x) coffee;
5 “(xi) hard cider;
6 “(xii) fruit juice;
7 “(xiii) an energy or sports drink;
8 “(xiv) coconut water;
9 “(xv) wine;
10 “(xvi) a yogurt drink;
11 “(xvii) a probiotic drink;
12 “(xviii) a wine cooler; and
13 “(xix) any other beverage determined
14 to be appropriate by the Administrator.

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

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

22 “(3) BEVERAGE CONTAINER.—

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

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

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

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

10 “(i) a carton;

11 “(ii) a pouch; or

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

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

22 “(4) COMPOSTABLE.—

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

1 “(aa) coatings;

2 “(bb) additives; or

3 “(cc) effective beginning on
4 February 1, 2023, toxic sub-
5 stances.

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

8 “(i) paper; or

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

12 “(5) COVERED PRODUCT.—

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

16 “(i) packaging;

17 “(ii) a food service product;

18 “(iii) paper;

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

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

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

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

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

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

11 “(i) any restaurant; or

12 “(ii) any business that—

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

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

18 “(aa) section 12201; or

19 “(bb) section 12202.

20 “(B) EXCEPTION.—

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

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

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

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

15 “(A) a utensil;

16 “(B) a straw;

17 “(C) a drink cup;

18 “(D) a drink lid;

19 “(E) a food package;

20 “(F) a food container;

21 “(G) a plate;

22 “(H) a bowl;

23 “(I) a meat tray; and

24 “(J) a food wrap.

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

3 “(A) has a fibrous shape;

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

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

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

12 “(10) PACKAGING.—

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

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

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

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

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

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

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

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

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

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

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

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

1 “(11) PAPER.—

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

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

8 “(i) newsprint and inserts;

9 “(ii) magazines and catalogs;

10 “(iii) direct mail;

11 “(iv) office paper; and

12 “(v) telephone directories.

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

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

18 “(ii) a bound book.

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

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

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

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

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

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

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

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

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

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

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

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

8 “(15) RECYCLE.—

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

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

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

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

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

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

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

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

7 “(ii) the use of waste—

8 “(I) as a fuel or fuel substitute;

9 “(II) for energy production;

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

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

14 “(bb) building materials;
15 and

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

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

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

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

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

8 “(16) RESPONSIBLE PARTY.—

9 “(A) BEVERAGE CONTAINERS.—

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

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

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

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

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

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

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

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

18 “(III) RETAILER.—

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

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

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

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

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

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

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

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

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

10 “(17) RESTAURANT.—

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

14 “(i) for consumption by the public;

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

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

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

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

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

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

11 “(19) SINGLE-USE PRODUCT.—

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

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

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

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

25 “(I) masks;

1 “(II) gloves;

2 “(III) face shields; and

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

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

12 “(iv) packaging that is—

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

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

22 “(20) TOXIC SUBSTANCE.—

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

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

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

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

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

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

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

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

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

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

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

10 “(II) an ortho-phthalate;

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

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

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

20 “(i) a pesticide applied—

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

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

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

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

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

18 “(23) UTENSIL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(c) ENFORCEMENT.—

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

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

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

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

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

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

13 “(a) IN GENERAL.—

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

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

1 the responsibilities of the Organization under this
2 part.

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

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

10 “(B) establish an entity—

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

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

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

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

22 “(B) may participate in—

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

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

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

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

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

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

22 “(b) PARTICIPATION FEES.—

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

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

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

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

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

9 “(3) MANAGEMENT AND CLEANUP COSTS.—

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

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

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

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

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

11 “(I) public places;

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

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

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

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

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

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

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

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

16 “(aa) heavy metals; or

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

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

22 “(v) the lower cost of managing—

23 “(I) beverage containers that
24 have—

25 “(aa) nondetachable caps; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(4) ADMINISTRATIVE COSTS.—

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

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

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

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

24 “(II) issuance of any rules;

25 “(III) planning;

1 “(IV) Plan review;
2 “(V) compliance;
3 “(VI) outreach and education;
4 “(VII) professional language in-
5 terpretation and translation services
6 for all publicly distributed materials;
7 “(VIII) enforcement;
8 “(IX) sufficient staff positions to
9 administer this part; and
10 “(X) other activities directly re-
11 lated to the activities described in sub-
12 clauses (I) through (IX); and
13 “(iii) the cost to a State for carrying
14 out enforcement with respect to the appli-
15 cable Organization.

16 “(B) CONSIDERATION.—In determining
17 the fee for a responsible party under subpara-
18 graph (A), an Organization shall consider the
19 company size and annual revenue of the respon-
20 sible party.

21 “(C) REIMBURSEMENT.—An Organization
22 shall reimburse—

23 “(i) the Administrator for costs de-
24 scribed subparagraph (A)(ii) incurred by
25 the Administrator; and

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

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

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

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

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

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

21 “(ii) notify the Organization of—

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

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

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

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

9 “(c) ADVISORY COMMITTEES.—

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

16 “(A) collection providers;

17 “(B) cleanup service providers;

18 “(C) recyclers;

19 “(D) composters; and

20 “(E) governmental entities.

21 “(2) COMPOSITION.—

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

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

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

5 “(B) REQUIREMENTS.—

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

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

16 “(3) PUBLIC COMMENT.—

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

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

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

3 “(i) shall provide translation services;
4 and

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

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

17 “(4) EXPENSES.—

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

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

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

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

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

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

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

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

19 “(6) DUTIES.—An Organization—

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

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

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

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

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

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

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

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

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

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

19 or

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

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

1 “(b) COLLECTION.—

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

6 “(2) CONVENIENCE.—

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

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

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

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

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

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

5 “(aa) a 45-minute drive; and

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

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

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

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

17 “(3) METHODS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(C) COMPENSATION AGREEMENTS.—

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

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

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

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

7 “(A) ensure that—

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

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

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

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

25 “(I) the United States; or

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

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

11 “(B) take measures—

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

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

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

23 “(5) COSTS.—

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

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

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

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

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

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

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

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

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

24 “(d) MINIMUM FUNDING REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

3 “(2) DETERMINATION OF EXPENDITURES.—

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

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

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

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

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

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

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

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

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

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

11 “(b) RESPONSIBILITIES OF RETAILERS.—

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

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

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

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

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

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

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

13 “(2) EXCEPTIONS.—

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

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

20 “(I) water;

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

23 “(III) ordinary dust; or

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

4 “(B) CONTAINER LIMITATION.—

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

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

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

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

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

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

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

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

15 “(c) APPLICABLE REFUND VALUE.—

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

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

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

24 “(i) inflation; and

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

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

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

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

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

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

21 “(e) RESPONSIBILITIES OF ORGANIZATIONS.—

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

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

5 “(2) REDEMPTION CENTERS.—

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

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

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

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

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

19 “(ii) accept—

20 “(I) any beverage container; and

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

23 “(iii) provide—

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

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

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

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

17 “(f) EXCLUDED STATES.—

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

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

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

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

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

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

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

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

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

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

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

5 “(3) a description of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(N) plans for market development.

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

4 “(1) approve or deny the Plan; and

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

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

12 “(e) EXPIRATION.—A Plan—

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

15 “(2) may be renewed.

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

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

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

23 “(g) PERFORMANCE TARGETS.—

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

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

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

7 “(A) by December 31, 2027—

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

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

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

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

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

25 “(D) by December 31, 2032—

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

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

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

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

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

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

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

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

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

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

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

4 “(B) easy to understand; and

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

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

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

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

17 “(3) include, at a minimum—

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

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

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

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

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

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

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

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

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

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

8 **“SEC. 12107. REPORTING.**

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

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

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

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

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

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

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

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

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

10 “(ii) distance to population centers;

11 “(iii) hours;

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

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

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

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

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

3 “(3) expenses of the Organization;

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

6 “(5) customer service efforts and results;

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

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

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

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

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

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

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

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

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

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

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

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

19 **PRODUCTS**

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

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

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

1 “(A) made of plastic; and

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

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

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

13 “(B) a bag that—

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

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

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

22 “(iv) is machine washable; or

23 “(C) a covered product that is—

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

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

6 “(II) to contain or wrap—

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

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

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

17 “(iii) a newspaper bag;

18 “(iv) a door hanger bag; or

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

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

23 “(c) ENFORCEMENT.—

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

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

5 “(2) SUBSEQUENT VIOLATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(2) PLASTIC STRAWS.—

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

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

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

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

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

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

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

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

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

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

12 “(A) on request of a customer;

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

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

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

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

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

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

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

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

12 “(C) noncompostable produce stickers; and

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

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

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

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

3 “(c) ENFORCEMENT.—

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

10 “(2) SUBSEQUENT VIOLATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(b) REPORT TO CONGRESS.—

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

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

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

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

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

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

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

9 “(1) the report; and

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

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

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

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

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

4 “(a) PLASTIC BEVERAGE CONTAINERS.—

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

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

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

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

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

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

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

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

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

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

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

19 “(2) REPORT.—

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

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

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

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

13 “(iv) an assessment of—

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

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

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

1 “(i) the report; and

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

9 “(3) MINIMUM STANDARDS.—

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

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

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

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

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

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

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

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

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

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

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

17 “(6) incorporating recycled materials;

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

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

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

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

3 “(11) improving recyclability and
4 compostability.

5 “(c) ENFORCEMENT.—

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

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

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

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

1 **“SEC. 12304. PRODUCT LABELING.**

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

4 “(1) are easy to read; and

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

7 “(A) recyclable;

8 “(B) not recyclable;

9 “(C) compostable; or

10 “(D) reusable;

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

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

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

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

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

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

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

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

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

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

23 “(e) ENFORCEMENT.—

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

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

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

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

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

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

21 “(a) DEFINITIONS.—In this section:

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

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

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

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

11 “(3) COVERED WIPE PRODUCT.—

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

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

17 “(ii) that—

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

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

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

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

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

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

12 “(4) HIGH CONTRAST.—

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

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

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

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

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

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

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

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

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

25 “(c) REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

19 “(5) BULK PACKAGING.—

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

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

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

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

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

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

12 “(III) have no retail labeling.

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

17 “(6) PACKAGING OF COMBINED PRODUCTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(g) COMPLIANCE WITH OTHER REQUIREMENTS.—

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

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

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

17 “(2) TYPE SIZE.—

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

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

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

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

1 “(i) PENALTY.—The Administrator may impose fines
2 for purposes of enforcing this section in accordance with
3 the following:

4 “(1) A fine of not more than \$2,500 for each
5 day that a violation of this section occurs.

6 “(2) In no event may the total amount of fines
7 imposed for a single violation of this section exceed
8 \$100,000.

9 **“SEC. 12306. RECYCLING AND COMPOSTING RECEPTACLE**
10 **LABELING.**

11 “(a) PURPOSE.—The purpose of this section is to es-
12 tablish guidelines for a national standardized labeling sys-
13 tem for the development of labels for recycling and
14 composting receptacles that use a methodology that is con-
15 sistent throughout the United States to assist members
16 of the public in properly recycling and composting.

17 “(b) DEFINITIONS.—In this section:

18 “(1) PUBLIC SPACE.—The term ‘public space’
19 means a business, an airport, a school, a stadium,
20 a government office, a park, and any other public
21 space, as determined by the Administrator.

22 “(2) RECYCLING OR COMPOSTING RECEP-
23 TACLE.—The term ‘recycling or composting recep-
24 tacle’ means a recycling or composing bin, cart, or
25 dumpster.

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

3
4
5
6 “(c) GUIDELINES.—Not later than 2 years after the
7 date of enactment of this subtitle, the Administrator shall
8 develop and publish guidelines for a national standardized
9 labeling system for an Organization to use to develop labels that—
10

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

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

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

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

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

25 “(d) DEVELOPMENT OF LABELS.—

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

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

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

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

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

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

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

4 “(e) DISTRIBUTION OF LABELS.—

5 “(1) SIMPLE VERSION.—

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

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

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

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

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

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

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

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

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

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

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

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

3 “(i) other plastics; or

4 “(ii) other materials, including—

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

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

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

12 “(3) that are contaminated with—

13 “(A) hazardous chemicals;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(2) implementing source reduction solutions.

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

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

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

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

18 “(i) domestic and foreign fisheries;

19 “(ii) types of fishing gear; and

20 “(iii) methods of fishing;

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

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

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

4 “(A) types of fishing gear;

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

7 “(C) geographic location;

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

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

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

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

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

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

21 “(1) the report; and

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

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

3 “(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

1 “(b) FILTRATION UNITS REQUIRED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(A) during—

13 “(i) the production of textiles;

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

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

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

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

21 “(A) washing machines; or

22 “(B) wastewater treatment plants.

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

25 “(1) an institution of higher education;

1 “(2) a nonprofit organization;

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

3 “(4) a for-profit organization;

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

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

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

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

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

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

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

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

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

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

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

11 “(1) natural infrastructure;

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

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

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

20 “(1) stormwater systems;

21 “(2) wastewater treatment facilities;

22 “(3) drinking water systems;

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

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

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

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

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

11 “(f) REPORTS.—

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

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

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

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

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

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

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

16 “(A) cleaning materials;

17 “(B) bulk food products; and

18 “(C) beverages.

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

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

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

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

3 “(1) an institution of higher education;

4 “(2) a nonprofit organization;

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

6 “(4) a for-profit organization; or

7 “(5) a public-private partnership.

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

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

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

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

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

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

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

8 “(1) Food service, including—

9 “(A) take out;

10 “(B) delivery of prepared meals; and

11 “(C) meal kits.

12 “(2) Consumer food and beverage products.

13 “(3) Consumer cleaning products.

14 “(4) Consumer personal care products.

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

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

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

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

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

25 “(3) economic costs and benefits for—

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

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

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

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

 “Subtitle K—Producer Responsibility for Products and Packaging

“Sec. 12001. Definitions.

 “PART I—PRODUCTS IN THE MARKETPLACE

“Sec. 12101. Extended producer responsibility.

“Sec. 12102. Producer Responsibility Organizations.

“Sec. 12103. Covered product management.

“Sec. 12104. National beverage container program.

“Sec. 12105. Product Stewardship Plans.

“Sec. 12106. Outreach and education.

“Sec. 12107. Reporting.

 “PART II—REDUCTION OF SINGLE-USE PRODUCTS

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

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

“Sec. 12203. Study and action on plastic tobacco filters and electronic ciga-
 rettes.

 “PART III—RECYCLING AND COMPOSTING

“Sec. 12301. Recycling and composting collection.

“Sec. 12302. Requirements for the production of products containing recycled
 content.

“Sec. 12303. Designing for the environment.

“Sec. 12304. Product labeling.

“Sec. 12305. ‘Do Not Flush’ labeling.

“Sec. 12306. Recycling and composting receptacle labeling.

“Sec. 12307. Prohibition on certain exports of waste.

 “PART IV—LOCAL GOVERNMENT EFFORTS

“Sec. 12401. Protection of local governments.

“Sec. 12402. Clean Communities Program.

“PART V—REDUCTION OF OTHER SOURCES OF PLASTIC POLLUTION

“Sec. 12501. Study and action on derelict fishing gear.

“Sec. 12502. Mandatory filtration standard for clothes washers.

“Sec. 12503. Study and action on microfiber pollution reduction.

“Sec. 12504. Microplastics pilot program.

“Sec. 12505. Grant program to support innovation in packaging reduction and reuse.

“Sec. 12506. Report on reuse and refill product delivery systems.”.

1 SEC. 3. IMPOSITION OF TAX ON CARRYOUT BAGS.

2 (a) GENERAL RULE.—Chapter 31 of the Internal
3 Revenue Code of 1986 is amended by inserting after sub-
4 chapter C the following new subchapter:

5 “Subchapter D—Carryout Bags

“Sec. 4056. Imposition of tax.

6 “SEC. 4056. IMPOSITION OF TAX.

7 “(a) GENERAL RULE.—There is hereby imposed on
8 any retail sale a tax on each carryout bag provided to a
9 customer by an applicable entity.

10 “(b) AMOUNT OF TAX.—The amount of tax imposed
11 by subsection (a) shall be \$0.10 per carryout bag.

12 “(c) LIABILITY FOR TAX.—The applicable entity
13 shall be liable for the tax imposed by this section.

14 “(d) DEFINITIONS.—For purposes of this section—

15 “(1) APPLICABLE ENTITY.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), the term ‘applicable entity’ means—

1 “(i) any restaurant (as defined in sec-
2 tion 12001 of the Solid Waste Disposal
3 Act), or

4 “(ii) any business which—

5 “(I) sells food, alcohol, or any
6 other good or product to the public at
7 retail, or

8 “(II) elects to comply with the
9 requirements under this section.

10 “(B) EXCEPTION.—

11 “(i) IN GENERAL.—For purposes of
12 this section, the term ‘applicable entity’
13 shall not include any entity described in
14 subparagraph (A) if the State, or any local
15 government or political subdivision thereof,
16 in which such entity is located has been
17 granted a waiver pursuant to clause (ii).

18 “(ii) WAIVER.—The Secretary shall
19 prescribe rules providing for the waiver of
20 application of this section with respect to
21 any State, or any local government or po-
22 litical subdivision thereof, which has en-
23 acted a tax or fee on the provision of car-
24 ryout bags which is similar to the tax im-
25 posed under this section.

1 “(2) CARRYOUT BAG.—

2 “(A) IN GENERAL.—The term ‘carryout
3 bag’ means a bag of any material that is pro-
4 vided to a consumer at the point of sale to
5 carry or cover purchases, merchandise, or other
6 items.

7 “(B) EXCEPTIONS.—Such term shall not
8 include any product described in section
9 12201(a)(2)(C) of the Solid Waste Disposal
10 Act.

11 “(e) BAG TAX STATED SEPARATELY ON RECEIPT.—
12 The tax imposed by subsection (a) shall be separately stat-
13 ed on the receipt of sale provided to the customer.

14 “(f) EXCEPTIONS.—The tax imposed under sub-
15 section (a) shall not apply to any carryout bag that is pro-
16 vided to a customer as part of a transaction in which the
17 customer is purchasing any item using benefits received
18 under the supplemental nutrition assistance program es-
19 tablished under the Food and Nutrition Act of 2008 (7
20 U.S.C. 2011 et seq.) or the supplemental nutrition pro-
21 gram for women, infants, and children authorized under
22 section 17 of the Child Nutrition Act of 1966 (42 U.S.C.
23 1786).

24 “(g) PENALTIES.—

1 “(1) WRITTEN NOTIFICATION FOR FIRST VIO-
2 LATION.—If any applicable entity fails to collect the
3 tax imposed under subsection (a) or satisfy the re-
4 quirements under subsection (e), the Secretary shall
5 provide such entity with written notification regard-
6 ing the violation of the requirements under such
7 subsections.

8 “(2) SUBSEQUENT VIOLATIONS.—

9 “(A) IN GENERAL.—If any applicable enti-
10 ty, subsequent to receiving a written notifica-
11 tion described in paragraph (1), fails to collect
12 the tax imposed under subsection (a) or satisfy
13 the requirements under subsection (e), such en-
14 tity shall pay a penalty in addition to the tax
15 imposed under this section.

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

19 “(i) in the case of the first violation,
20 \$250,

21 “(ii) in the case of the second viola-
22 tion, \$500, and

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

1 “(C) LIMITATION.—In the case of any ap-
2 plicable entity with less than \$1,000,000 in
3 total revenue for the year preceding the imposi-
4 tion of any penalty under this paragraph, any
5 such penalty may not be imposed under this
6 paragraph more than once during any 7-day pe-
7 riod.

8 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion or any regulations promulgated under this section
10 shall preempt, limit, or supersede, or be interpreted to pre-
11 empt, limit, or supersede—

12 “(1) any law or regulation relating to any tax
13 or fee on carryout bags which is imposed by a State
14 or local government entity, or any political subdivi-
15 sion, agency, or instrumentality thereof, or

16 “(2) any additional fees imposed by any appli-
17 cable entity on carryout bags provided to its cus-
18 tomers.”.

19 (b) CARRYOUT BAG CREDIT PROGRAM.—Subchapter
20 B of chapter 65 of such Code is amended by adding at
21 the end the following new section:

22 **“SEC. 6431. CARRYOUT BAG CREDIT PROGRAM.**

23 “(a) ALLOWANCE OF CREDIT.—If—

24 “(1) tax has been imposed under section 4056
25 on any carryout bag,

1 “(2) an applicable entity provides such bag to
2 a customer in a point of sale transaction, and

3 “(3) such entity has kept and can produce
4 records for purposes of this section and section 4056
5 that include—

6 “(A) the total number of carryout bags
7 provided to customers for which the tax was im-
8 posed under section 4056(a) and the amounts
9 passed through to customers for such bags pur-
10 suant to section 4056(e), and

11 “(B) the total number of bags for which a
12 refund was provided to customers pursuant to
13 a carryout bag credit program,

14 the Secretary shall pay (without interest) to such entity
15 an amount equal to the applicable amount for each bag
16 provided by such entity in connection with a point of sale
17 transaction.

18 “(b) APPLICABLE AMOUNT.—For purposes of sub-
19 section (a), the applicable amount is an amount equal to—

20 “(1) in the case of an applicable entity that has
21 established a carryout bag credit program, \$0.10,
22 and

23 “(2) in the case of an applicable entity that has
24 not established a carryout bag credit program,
25 \$0.04.

1 Cleanup Trust Fund’ (referred to in this section as the
2 ‘Trust Fund’), consisting of such amounts as may be ap-
3 propriated or credited to the Trust Fund as provided in
4 this section or section 9602(b).

5 “(b) TRANSFERS TO TRUST FUND.—There is hereby
6 appropriated to the Trust Fund amounts equivalent to—

7 “(1) the amounts received in the Treasury pur-
8 suant to section 4056; and

9 “(2) the amounts determined by the Secretary
10 to be equivalent to the amounts of fees collected
11 under section 12303(c) of the Solid Waste Disposal
12 Act.

13 “(c) EXPENDITURES FROM TRUST FUND.—Amounts
14 in the Trust Fund shall be available, as provided by appro-
15 priation Acts, for—

16 “(1) making payments under section 6431,

17 “(2) making grants for—

18 “(A) reusable carryout bags, and

19 “(B) recycling, reuse, and composting in-
20 frastructure and litter cleanup, and

21 “(3) carrying out the grant program to support
22 innovation in packaging reduction and reuse under
23 section 12505 of the Solid Waste Disposal Act.”.

24 (d) STUDY.—Not later than the date which is 18
25 months after the date of enactment of this Act, the Comp-

1 troller General of the United States shall conduct a study
2 on the effectiveness of sections 4056, 6431, and 9512 of
3 the Internal Revenue Code of 1986 (as added by this Act)
4 at reducing the use of carryout bags and encouraging the
5 use of reusable bags. The report shall address—

6 (1) the use of plastic or paper single-use carry-
7 out bags during the period preceding the enactment
8 of such sections,

9 (2) the effect of such sections on the citizens
10 and residents of the United States, including—

11 (A) the percentage reduction in the use of
12 plastic or paper single-use carryout bags as a
13 result of the enactment of such sections,

14 (B) the opinion among citizens and resi-
15 dents of the United States regarding the effect
16 of such sections, disaggregated by race and in-
17 come level, and

18 (C) the amount of substitution between
19 other types of plastic bags for single-use carry-
20 out bags,

21 (3) measures that the Comptroller General de-
22 termines may increase the effectiveness of such sec-
23 tions, including the amount of tax imposed on each
24 carryout bag, and

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

4 (2) COVERED FACILITY.—The term “covered
5 facility” means—

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

9 (B) a plastic polymerization or polymer
10 production facility;

11 (C) an industrial facility that repolymerizes
12 plastic polymers into chemical feedstocks for
13 use in new products or as fuel; and

14 (D) an industrial facility that generates
15 fuel or energy from plastic polymers through
16 waste-to-fuel technology, an incinerator, or
17 other similar technology, as determined by the
18 Administrator.

19 (3) COVERED PRODUCTS.—The term “covered
20 plastic” means—

21 (A) ethylene;

22 (B) propylene;

23 (C) polyethylene in any form (including
24 pellets, resin, nurdle, powder, and flakes);

1 (D) polypropylene in any form (including
2 pellets, resin, nurdle, powder, and flakes);

3 (E) polyvinyl chloride in any form (includ-
4 ing pellets, resin, nurdle, powder, and flakes);

5 or

6 (F) other plastic polymer raw materials in
7 any form (including pellets, resin, nurdle, pow-
8 der, and flakes).

9 (4) ENVIRONMENTAL JUSTICE.—The term “en-
10 vironmental justice” means the fair treatment and
11 meaningful involvement of all individuals, regardless
12 of race, color, national origin, educational level, or
13 income, with respect to the development, implemen-
14 tation, and enforcement of environmental laws, regu-
15 lations, and policies to ensure that—

16 (A) communities of color, indigenous com-
17 munities, and low-income communities have ac-
18 cess to public information and opportunities for
19 meaningful public participation with respect to
20 human health and environmental planning, regu-
21 lations, and enforcement;

22 (B) no community of color, indigenous
23 community, or low-income community is ex-
24 posed to a disproportionate burden of the nega-
25 tive human health and environmental impacts

1 of pollution or other environmental hazards;
2 and

3 (C) the 17 principles described in the docu-
4 ment entitled “The Principles of Environmental
5 Justice”, written and adopted at the First Na-
6 tional People of Color Environmental Leader-
7 ship Summit held on October 24 through 27,
8 1991, in Washington, DC, are upheld.

9 (5) FENCELINE MONITORING.—The term
10 “fenceline monitoring” means continuous, real-time
11 monitoring of ambient air quality around the entire
12 perimeter of a facility.

13 (6) FRONTLINE COMMUNITY.—

14 (A) IN GENERAL.—The term “frontline
15 community” means a community located near a
16 covered facility that has experienced systemic
17 socioeconomic disparities or other forms of in-
18 justice.

19 (B) INCLUSIONS.—The term “frontline
20 community” includes a low-income community,
21 a community that includes indigenous peoples,
22 and a community of color.

23 (7) MATERIAL RECOVERY FACILITY.—The term
24 “material recovery facility” means a solid waste

1 management facility that processes materials for
2 reuse or recycling.

3 (8) RENEWABLE ENERGY.—The term “renew-
4 able energy” means energy supplied by a project
5 that uses wind, solar, geothermal, wave, current,
6 tidal, or ocean thermal energy to generate electricity.

7 (9) SECRETARY.—The term “Secretary” means
8 the Secretary of the Army, acting through the Chief
9 of Engineers.

10 (10) SINGLE-USE PLASTIC.—

11 (A) IN GENERAL.—The term “single-use
12 plastic” means a plastic product or packaging
13 that is routinely disposed of, recycled, or other-
14 wise discarded after a single use.

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

17 (i) medical food, supplements, devices,
18 or other products determined by the Sec-
19 retary of Health and Human Services to
20 necessarily be made of plastic for the pro-
21 tection of public health; or

22 (ii) packaging that is—

23 (I) for any product described in
24 clause (i); or

1 (II) used for the shipment of
2 hazardous materials that is prohibited
3 from being composed of used mate-
4 rials under section 178.509 or section
5 178.522 of title 49, Code of Federal
6 Regulations (as in effect on the date
7 of enactment of this Act).

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

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

12 (B) ending on the date that is the first
13 date on which all regulations required under
14 subsections (d) and (e) are in effect.

15 (12) ZERO-EMISSIONS ENERGY.—

16 (A) IN GENERAL.—The term “zero-emis-
17 sions energy” means renewable energy the pro-
18 duction of which emits no greenhouse gases at
19 the production source.

20 (B) EXCLUSIONS.—The term “zero-emis-
21 sions energy” does not include any energy gen-
22 erated by—

23 (i) a waste-to-energy technology;

24 (ii) an incinerator; or

1 (iii) any other similar technology, as
2 determined by the Administrator.

3 (b) TEMPORARY PAUSE.—

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

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

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

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

13 (B) the Secretary shall not issue a new
14 permit for a covered facility under section 404
15 of the Federal Water Pollution Control Act (33
16 U.S.C. 1344);

17 (C) the Administrator shall object in writ-
18 ing under subsections (b) and (c) of section 505
19 of the Clean Air Act (42 U.S.C. 7661d) or sec-
20 tion 402(d)(2) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1342(d)(2)), as applica-
22 ble, to any new permit issued to a covered facil-
23 ity by a State agency delegated authority under
24 the Clean Air Act (42 U.S.C. 7401 et seq.) or

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

3 (D) subject to subsection (g), the export of
4 covered products is prohibited.

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

8 (A) a material recovery facility; or

9 (B) a compost facility.

10 (c) STUDY.—

11 (1) IN GENERAL.—

12 (A) AGREEMENT.—The Administrator
13 shall offer to enter into an agreement with the
14 National Academy of Sciences and the National
15 Institutes of Health to conduct a study of—

16 (i) the existing and planned expansion
17 of the industry of the producers of covered
18 products, including the entire supply chain,
19 the extraction and refining of feedstocks,
20 end uses, disposal fate, and lifecycle im-
21 pacts of covered products;

22 (ii) the environmental justice and pol-
23 lution impacts of covered facilities and the
24 products of covered facilities;

1 (iii) the existing standard technologies
2 and practices of covered facilities with re-
3 spect to the discharge and emission of pol-
4 lutants into the environment; and

5 (iv) the best available technologies
6 and practices that reduce or eliminate the
7 environmental justice and pollution im-
8 pacts of covered facilities and the products
9 of covered facilities.

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

15 (2) REQUIREMENTS.—The study under para-
16 graph (1) shall—

17 (A) consider—

18 (i) the direct, indirect, and cumulative
19 environmental impacts of the industries of
20 covered facilities to date; and

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

1 and environmental justice impacts of those
2 industries; and

3 (B) recommend technologies, standards,
4 and practices to remediate or eliminate the
5 local, regional, national, and international air,
6 water, waste, climate change, public health, and
7 environmental justice impacts of covered facili-
8 ties and the industries related to covered facili-
9 ties.

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

14 (d) CLEAN AIR.—

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

19 (2) NATIONAL SOURCE PERFORMANCE STAND-
20 ARDS IMPLEMENTATION IMPROVEMENTS.—

21 (A) ZERO-EMISSIONS ENERGY.—Not later
22 than 3 years after the date of enactment of this
23 Act, the Administrator shall promulgate a final
24 rule requiring that—

1 (i) covered facilities that manufacture
2 olefins, including ethylene and propylene,
3 use only zero-emissions energy sources, ex-
4 cept to the extent that waste gases are re-
5 cycled; and

6 (ii) covered facilities that manufacture
7 low-density polyethylene, linear low-density
8 polyethylene, high-density polyethylene,
9 styrene, vinyl chloride, or synthetic organic
10 fibers use only zero-emissions energy
11 sources, except to the extent that waste
12 gases are recycled, unless the Adminis-
13 trator—

14 (I) determines that under certain
15 conditions (such as during the com-
16 mencement or shut down of produc-
17 tion at a covered facility), expendi-
18 tures of energy that are not from
19 zero-emissions energy sources are re-
20 quired; and

21 (II) publishes the determination
22 under subclause (I) and a proposed
23 mixture of zero-emissions energy and
24 non-zero-emissions energy for those
25 conditions in a rulemaking.

1 (B) NEW SOURCE PERFORMANCE STAND-
2 ARDS FOR CERTAIN FACILITIES.—Not later
3 than 3 years after the date of enactment of this
4 Act, the Administrator shall promulgate a final
5 rule—

6 (i) designating ethylene, propylene,
7 polyethylene, and polypropylene production
8 facilities as a category of stationary source
9 under section 111(b)(1)(A) of the Clean
10 Air Act (42 U.S.C. 7411(b)(1)(A)); and

11 (ii) establishing new source perform-
12 ance standards for the category of sta-
13 tionary source designated under clause (i)
14 under section 111(f)(1) of the Clean Air
15 Act (42 U.S.C. 7411(f)(1)).

16 (C) STORAGE VESSELS FOR COVERED
17 PRODUCTS.—Not later than 3 years after the
18 date of enactment of this Act, the Adminis-
19 trator shall promulgate a final rule modifying
20 section 60.112b(a) of title 40, Code of Federal
21 Regulations (as in effect on the date of enact-
22 ment of this Act), to ensure that an owner or
23 operator of a storage vessel containing liquid
24 with a vapor pressure of equal to or more than
25 5 millimeters of mercury under actual storage

1 conditions that is regulated under that section
2 uses—

3 (i) an internal floating roof tank con-
4 nected to a volatile organic compound con-
5 trol device; or

6 (ii) a fixed-roof tank connected to a
7 volatile organic compound control device.

8 (D) FLARING.—Not later than 30 days
9 after the date of enactment of this Act, the Ad-
10 ministrator shall promulgate a final rule—

11 (i) modifying title 40, Code of Federal
12 Regulations (as in effect on the date of en-
13 actment of this Act), to ensure that flar-
14 ing, either at ground-level or elevated, shall
15 only be permitted when necessary solely for
16 safety reasons; and

17 (ii) modifying sections
18 60.112b(a)(3)(ii), 60.115b(d)(1), 60.482-
19 10a(d), 60.662(b), 60.702(b), and 60.562-
20 1(a)(1)(i)(C) of title 40, Code of Federal
21 Regulations (as in effect on the date of en-
22 actment of this Act), to ensure that—

23 (I) references to flare standards
24 under those sections refer to the flare

1 standards established under clause (i);
2 and

3 (II) the flare standards under
4 those sections are, without exception,
5 continuously applied.

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

10 (i) modifying section 60.482–1a of
11 title 40, Code of Federal Regulations (as
12 in effect on the date of enactment of this
13 Act), to ensure that owners and operators
14 use process units and components with a
15 leak-less or seal-less design;

16 (ii) modifying section 60.482–1a(f) of
17 title 40, Code of Federal Regulations (as
18 in effect on the date of enactment of this
19 Act), to ensure that owners and operators
20 use optical gas imaging monitoring pursu-
21 ant to section 60.5397a of title 40, Code of
22 Federal Regulations (as in effect on the
23 date of enactment of this Act), on a quar-
24 terly basis, unless the owner or operator
25 receives approval from the Administrator

1 in writing to use Method 21 of the Envi-
2 ronmental Protection Agency (as described
3 in appendix A-7 of part 60 of title 40,
4 Code of Federal Regulations (as in effect
5 on the date of enactment of this Act)) with
6 a repair threshold of 500 parts per million;

7 (iii) modifying 60.482-6a of title 40,
8 Code of Federal Regulations (as in effect
9 on the date of enactment of this Act), to
10 ensure that the use of open-ended valves or
11 lines is prohibited except if a showing is
12 made that the use of an open-ended valve
13 or line is necessary for safety reasons; and

14 (iv) modifying subpart VVa of part 60
15 of title 40, Code of Federal Regulations
16 (as in effect on the date of enactment of
17 this Act) to ensure that—

18 (I) the term “no detectable emis-
19 sions” is defined to mean an instru-
20 ment reading of less than 50 parts
21 per million above background con-
22 centrations; and

23 (II) the term “leak” is defined to
24 mean an instrument reading of great-

1 er than or equal to 50 parts per mil-
2 lion above background concentrations.

3 (F) NATURAL-GAS FIRED STEAM BOIL-
4 ERS.—Not later than 3 years after the date of
5 enactment of this Act, the Administrator shall
6 promulgate a final rule revising subpart Db of
7 part 60 of title 40, Code of Federal Regulations
8 (as in effect on the date of enactment of this
9 Act), to ensure that boilers or heaters located
10 at an affected covered facility regulated under
11 that subpart may only burn gaseous fuels, not
12 solid fuels or liquid fuels.

13 (G) MONITORING.—Not later than 3 years
14 after the date of enactment of this Act, the Ad-
15 ministrator shall promulgate a final rule revis-
16 ing subparts DDD, NNN, RRR, and other rel-
17 evant subparts of part 60 of title 40, Code of
18 Federal Regulations (as in effect on the date of
19 enactment of this Act)—

20 (i) to require continuous emissions
21 monitoring of nitrogen oxides, sulfur diox-
22 ide, carbon monoxide, and filterable partic-
23 ulate matter for all combustion devices ex-
24 cept for non-enclosed flares, including dur-
25 ing startups, shutdowns, and malfunctions

1 of the facilities regulated by those sub-
2 parts;

3 (ii) to require—

4 (I) accurate and continuous rec-
5 ordkeeping when continuous moni-
6 toring is required under clause (i);
7 and

8 (II) the records required under
9 subclause (I) to be made available to
10 the public; and

11 (iii) to require fenceline monitoring
12 under section 63.658 of title 40, Code of
13 Federal Regulations (as in effect on the
14 date of enactment of this Act), for nitrogen
15 oxides, sulfur dioxide, carbon monoxide, fil-
16 terable and condensable particulate matter,
17 and all other relevant hazardous air pollut-
18 ants.

19 (3) NATIONAL EMISSION STANDARDS FOR HAZ-
20 ARDOUS AIR POLLUTANTS IMPLEMENTATION IM-
21 PROVEMENTS.—

22 (A) EQUIPMENT LEAKS OF BENZENE.—
23 Not later than 3 years after the date of enact-
24 ment of this Act, the Administrator shall pro-
25 mulgate a final rule modifying section 61.112

1 of title 40, Code of Federal Regulations (as in
2 effect on the date of enactment of this Act)
3 that strikes subsection (c).

4 (B) BENZENE WASTE OPERATIONS.—Not
5 later than 3 years after the date of enactment
6 of this Act, the Administrator shall promulgate
7 a final rule modifying subpart FF of part 61 of
8 title 40, Code of Federal Regulations (as in ef-
9 fect on the date of enactment of this Act), to
10 ensure that—

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

15 (ii) the term “leak” is defined to
16 mean an instrument reading of greater
17 than or equal to 50 parts per million above
18 background concentrations.

19 (C) MAXIMUM ACHIEVABLE CONTROL
20 TECHNOLOGY STANDARDS FOR COVERED FA-
21 CILITIES.—Not later than 3 years after the
22 date of enactment of this Act, the Adminis-
23 trator shall—

24 (i) promulgate a final rule modifying
25 subpart YY of part 63 of title 40, Code of

1 Federal Regulations (as in effect on the
2 date of enactment of this Act), to ensure
3 that—

4 (I) the generic maximum achiev-
5 able control technology standards de-
6 scribed in that subpart—

7 (aa) require no detectable
8 emissions of hazardous air pollut-
9 ants, unless the Administrator—

10 (AA) determines that
11 the maximum degree of re-
12 duction in emissions of haz-
13 ardous air pollutants achiev-
14 able pursuant to section
15 112(d)(2) of the Clean Air
16 Act (42 U.S.C. 7412(d)(2))
17 justifies higher limits; and

18 (BB) publishes the de-
19 termination under subitem
20 (AA) and the proposed high-
21 er limits in a rulemaking;

22 (bb) ensure an ample mar-
23 gin of safety to protect public
24 health and prevent an adverse
25 environmental effect; and

1 (cc) prevent adverse cumu-
2 lative effects to fetal health, the
3 health of children, and the health
4 of vulnerable subpopulations; and
5 (II) the term “no detectable
6 emissions”, as required under sub-
7 clause (I)(aa), is defined to mean an
8 instrument reading of less than 50
9 parts per million above background
10 concentrations; and

11 (ii) in promulgating the final rule re-
12 quired in clause (i)(I), consider—

13 (I) the effects and risks of expo-
14 sure from multiple sources of haz-
15 ardous air pollutants under the sub-
16 part modified under that clause; and

17 (II) the best available science, in-
18 cluding science provided by the Na-
19 tional Academies of Science.

20 (e) CLEAN WATER.—

21 (1) REVISED EFFLUENT LIMITATION GUIDE-
22 LINES FOR THE ORGANIC CHEMICAL, PLASTICS, AND
23 SYNTHETIC FIBERS INDUSTRIAL CATEGORY.—

24 (A) BAT AND NSPS STANDARDS FOR PLAS-
25 TIC POLYMER PRODUCTION.—Not later than 3

1 years after the date of enactment of this Act,
2 the Administrator shall promulgate a final
3 rule—

4 (i) that ensures that the best available
5 technology limitations described in part
6 414 of title 40, Code of Federal Regula-
7 tions (as modified under clause (ii)) applies
8 to covered facilities that produce fewer
9 than 5,000,001 pounds of covered products
10 per year;

11 (ii) modifying part 414 of title 40,
12 Code of Federal Regulations (as in effect
13 on the date of enactment of this Act), to
14 ensure that the best available technology
15 and new source performance standard re-
16 quirements under that part reflect updated
17 best available technology and best available
18 demonstrated control technology for all
19 pollutants discharged by covered facilities
20 that produce covered products, including
21 pollutants of concern that are not regu-
22 lated on the date of enactment of this Act;
23 and

24 (iii) modifying sections 414.91(b),
25 414.101(b), and 414.111(b) of title 40,

1 Code of Federal Regulations (as in effect
2 on the date of enactment of this Act) to
3 ensure that—

4 (I) for new source performance
5 standards for applicable covered facili-
6 ties producing covered products, the
7 maximum effluent limit for any 1 day
8 and for any monthly average for the
9 priority pollutants described in appen-
10 dix A to part 423 of title 40, Code of
11 Federal Regulations (as in effect on
12 the date of enactment of this Act), is
13 0 milligrams per liter unless the Ad-
14 ministrators—

15 (aa) determines that higher
16 limits are justified using best
17 available demonstrated control
18 technology; and

19 (bb) publishes the deter-
20 mination under item (aa) and the
21 proposed higher limits in a rule-
22 making; and

23 (II) for best available technology
24 and new source performance stand-
25 ards, the maximum effluent limit for

1 any 1 day and for any monthly aver-
2 age for total plastic pellets and other
3 plastic material is 0 milligrams per
4 liter.

5 (B) EFFLUENT LIMITATIONS FOR WASTE-
6 WATER, SPILLS, AND RUNOFF FROM PLASTIC
7 POLYMER PRODUCTION FACILITIES, PLASTIC
8 MOLDING AND FORMING FACILITIES, AND
9 OTHER POINT SOURCES ASSOCIATED WITH THE
10 TRANSPORT AND PACKAGING OF PLASTIC PEL-
11 LETS OR OTHER PRE-PRODUCTION PLASTIC MA-
12 TERIALS.—Not later than 60 days after the
13 date of enactment of this Act, the Adminis-
14 trator shall promulgate a final rule to ensure
15 that—

16 (i) the discharge of plastic pellets or
17 other pre-production plastic materials (in-
18 cluding discharge into wastewater and
19 other runoff) from facilities regulated
20 under part 414 or 463 of title 40, Code of
21 Federal Regulations (as in effect on the
22 date of enactment of this Act), is prohib-
23 ited;

24 (ii) the discharge of plastic pellets or
25 other pre-production plastic materials (in-

1 cluding discharge into wastewater and
2 other runoff) from a point source (as de-
3 fined in section 502 of the Federal Water
4 Pollution Control Act (33 U.S.C. 1362))
5 that makes, uses, packages, or transports
6 those plastic pellets and other pre-produc-
7 tion plastic materials is prohibited; and

8 (iii) the requirements under clauses
9 (i) and (ii) are reflected in—

10 (I) all wastewater, stormwater,
11 and other permits issued by the Ad-
12 ministrator and State-delegated pro-
13 grams under section 402 of the Fed-
14 eral Water Pollution Control Act (33
15 U.S.C. 1342) to facilities and other
16 point sources (as defined in section
17 502 of that Act (33 U.S.C. 1362))
18 that make, use, package, or transport
19 plastic pellets or other pre-production
20 plastic materials, as determined by
21 the Administrator, in addition to
22 other applicable limits and standards;
23 and

24 (II) all standards of performance
25 promulgated under section 312(p) of

1 the Federal Water Pollution Control
2 Act (33 U.S.C. 1322(p)) that are ap-
3 plicable to point sources (as defined in
4 section 502 of that Act (33 U.S.C.
5 1362)) that make, use, package, or
6 transport plastic pellets or other pre-
7 production plastic materials, as deter-
8 mined by the Administrator.

9 (2) REVISED EFFLUENT LIMITATIONS GUIDE-
10 LINES FOR ETHYLENE AND PROPYLENE PRODUC-
11 TION.—

12 (A) BAT AND NSPS STANDARDS.—Not
13 later than 3 years after the date of enactment
14 of this Act, the Administrator shall promulgate
15 a final rule—

16 (i) modifying sections 419.23, 419.26,
17 419.33, and 419.36 of title 40, Code of
18 Federal Regulations (as in effect on the
19 date of enactment of this Act), to ensure
20 that the best available technology and new
21 source performance standards reflect up-
22 dated best available technology and best
23 available demonstrated control technology
24 for all pollutants discharged by covered fa-

1 cilities producing ethylene or propylene;
2 and

3 (ii) modifying sections 419.26(a) and
4 419.36(a) of title 40, Code of Federal Reg-
5 ulations (as in effect on the date of enact-
6 ment of this Act), to ensure that the new
7 source performance standards for any 1
8 day and for average of daily values for 30
9 consecutive days for the priority pollutants
10 described in appendix A to part 423 of
11 title 40, Code of Federal Regulations (as
12 in effect on the date of enactment of this
13 Act), is 0 milligrams per liter unless the
14 Administrator—

15 (I) determines that higher limits
16 are necessary based on the best avail-
17 able demonstrated control technology;
18 and

19 (II) the Administrator publishes
20 the determination under item (aa) and
21 the proposed higher limits in a rule-
22 making.

23 (B) RUNOFF LIMITATIONS FOR ETHYLENE
24 AND PROPYLENE PRODUCTION.—Not later than
25 3 years after the date of enactment of this Act,

1 the Administrator shall promulgate a final rule
2 modifying sections 419.26(e) and 419.36(e) of
3 title 40, Code of Federal Regulations (as in ef-
4 fect on the date of enactment of this Act), to
5 ensure that runoff limitations that reflect best
6 available demonstrated control technology are
7 included.

8 (f) ENVIRONMENTAL JUSTICE REQUIREMENTS FOR
9 COVERED FACILITY PERMITS.—

10 (1) IN GENERAL.—Not later than 3 years after
11 the date of enactment of this Act, the Administrator
12 shall promulgate a final rule to ensure that—

13 (A) any proposed permit to be issued by
14 the Administrator or by a State agency dele-
15 gated authority under the Clean Air Act (42
16 U.S.C. 7401 et seq.) or the Federal Water Pol-
17 lution Control Act (33 U.S.C. 1251 et seq.)
18 with respect to a covered facility is accompanied
19 by an environmental justice assessment that—

20 (i) assesses the direct and cumulative
21 economic, environmental, and public health
22 impacts of the proposed permit on front-
23 line communities; and

24 (ii) proposes changes or alterations to
25 the proposed permit that would, to the

1 maximum extent practicable, eliminate or
2 mitigate the impacts described in clause
3 (i);

4 (B) each proposed permit and environ-
5 mental justice assessment described in subpara-
6 graph (A) is delivered to applicable frontline
7 communities at the beginning of the public com-
8 ment period for the proposed permit, which
9 shall include notification—

10 (i) through direct means;

11 (ii) through publications likely to be
12 obtained by residents of the frontline com-
13 munity, including non-English language
14 publications; and

15 (iii) in the form of a public hearing in
16 the frontline community—

17 (I) for which public notice is pro-
18 vided—

19 (aa) not less than 60 days
20 before the date on which the pub-
21 lic hearing is to be held; and

22 (bb) using the means de-
23 scribed in clauses (i) and (ii);
24 and

1 (II) for which translation services
2 (as defined in section 12001 of the
3 Solid Waste Disposal Act) are pro-
4 vided; and

5 (III) that is accessible through
6 live-streaming or alternative video
7 streaming services for which trans-
8 lation services (as so defined) are pro-
9 vided;

10 (C) the Administrator or a State agency
11 delegated authority under the Clean Air Act
12 (42 U.S.C. 7401 et seq.) or the Federal Water
13 Pollution Control Act (33 U.S.C. 1251 et seq.),
14 as applicable, shall not approve a proposed per-
15 mit described in subparagraph (A) unless—

16 (i) changes or alterations have been
17 incorporated into the proposed permit that,
18 to the maximum extent practicable, elimi-
19 nate or mitigate the environmental justice
20 impacts described in subparagraph (A)(i);
21 and

22 (ii) the changes or alterations de-
23 scribed in clause (i) have been developed
24 with meaningful input from residents or
25 representatives of the frontline community

1 in which the covered facility to which the
2 proposed permit would apply is located or
3 seeks to locate;

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

13 (E) the approval of a proposed permit de-
14 scribed in subparagraph (A) is conditioned on
15 the covered facility providing comprehensive
16 fenceline monitoring and response strategies
17 that fully protect public health and safety and
18 the environment in frontline communities.

19 (2) REQUIREMENT.—The Administrator shall
20 develop the final rule required under paragraph (1)
21 with input from—

22 (A) residents of frontline communities; and

23 (B) representatives of frontline commu-
24 nities.

1 (g) EXTENDED PRODUCER RESPONSIBILITY FOR
2 INTERNATIONAL PLASTIC EXPORTS.—The temporary
3 pause on the export of covered products under subsection
4 (b)(4) shall remain in place until the Secretary of Com-
5 merce promulgates a final rule that—

6 (1) requires the tracking of covered products
7 from sale to disposal;

8 (2) prohibits the export of covered products to
9 purchasers that convert those plastics into single-use
10 plastics or energy;

11 (3) requires the Secretary of Commerce, not
12 less frequently than once every 2 years and in con-
13 sultation with the Administrator and the Secretary
14 of Health and Human Services, to publish a report
15 measuring and evaluating the environmental and en-
16 vironmental justice impacts of exporting covered
17 products from sale to disposal; and

18 (4) establishes enforceable mechanisms for sell-
19 ers or purchasers of covered products to mitigate the
20 environmental and environmental justice impacts of
21 those covered products from sale to disposal.