

117TH CONGRESS
1ST SESSION

H. R. 2101

To direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Ms. OMAR introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Administrator of the Environmental Protection Agency to award grants for projects that are consistent with zero-waste practices, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Zeroing Excess, Re-
5 ducing Organic Waste, And Sustaining Technical Exper-
6 tise Act” or the “ZERO WASTE Act”.

7 **SEC. 2. DEFINITIONS.**

8 Except as otherwise provided, in this Act:

1 (1) ADAPTIVE MANAGEMENT PRACTICE.—The
2 term “adaptive management practice” means, with
3 respect to use of a grant under this Act, the integra-
4 tion of project design, management, and monitoring
5 to identify the impacts and outcomes of such use of
6 a grant as they arise for purposes of adjusting be-
7 haviors to improve outcomes.

8 (2) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (3) DOMESTICALLY OWNED AND OPERATED.—
12 The term “domestically owned and operated” means,
13 with respect to a business—

14 (A) the headquarters of such a business is
15 located within the United States; and

16 (B) the primary operations of such a busi-
17 ness are carried out in the United States.

18 (4) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means—

20 (A) a single unit of State, local, or Tribal
21 government;

22 (B) a partnership of multiple units of
23 State, local, or Tribal government;

1 (C) one or more units of State, local, or
2 Tribal government in coordination with for-
3 profit or nonprofit organizations; or

4 (D) one or more nonprofit organizations.

5 (5) EMBODIED ENERGY.—The term “embodied
6 energy” means energy that was used to create a
7 product or material.

8 (6) ENVIRONMENTAL JUSTICE COMMUNITY.—
9 The term “environmental justice community” has
10 the meaning given that term in section 601.

11 (7) LIVING WAGE.—The term “living wage”
12 means the minimum income necessary to allow a
13 person working 40 hours per week to afford the cost
14 of housing, food, and other material necessities.

15 (8) ORGANICS RECYCLING.—The term
16 “organics recycling” means the biological process by
17 which organic material—

18 (A) is biologically converted to compost
19 that is not harmful to humans, plants, or ani-
20 mals; and

21 (B) is treated in a specialized facility de-
22 signed to recycle organic material.

23 (9) RECYCLE; RECYCLING.—The terms “recy-
24 cle” and “recycling” have the meanings given those

terms in section 12001 of the Solid Waste Disposal Act (as added by this title).

(10) REUSE.—The term “reuse”—

(A) means—

(i) using a product, packaging, or material more than once for the same or a new function without requiring additional processing;

(ii) repairing a product, packaging, or material in such a way that extends its useful lifetime;

(iii) sharing or renting a product, packaging, or material in such a way that extends its useful lifetime; or

(iv) selling or donating a product, packaging, or material in such a way that extends its useful lifetime; and

(B) does not include incineration.

(11) SINGLE-USE PRODUCT.—The term “single-use product”—

(A) means a consumer product that is designed to be disposed of, recycled, or otherwise discarded after a single use; and

(B) does not include—

1 (i) medical equipment, devices, or
2 other products determined by the Sec-
3 retary of Health and Human Services to
4 necessarily be made of plastic for the pro-
5 tection of public health;

6 (ii) a personal hygiene product that,
7 due to the intended use of the product,
8 could become unsafe or unsanitary to recy-
9 cle, such as a diaper; and

10 (iii) packaging that is—

11 (I) for any product described in
12 subparagraph (A); or

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

20 (12) SOURCE REDUCTION.—

21 (A) IN GENERAL.—The term “source re-
22 duction” means an activity or process that re-
23 duces the generation of waste at its source, be-
24 fore it can enter into commerce or the environ-
25 ment.

1 (B) INCLUSIONS.—The term “source re-
2 duction” includes—

3 (i) the redesign of products or mate-
4 rials such that they can be reused, rather
5 than disposed of;

6 (ii) the design and manufacture of
7 products or materials with minimal pack-
8 aging intended for disposal;

9 (iii) an activity or process that re-
10 duces the amount of waste generated dur-
11 ing a manufacturing process;

12 (iv) an activity or process that reduces
13 or eliminates the use of materials that are
14 not able to be recycled without degrading
15 the quality of the material; and

16 (v) any other activity or process that
17 reduces the weight, volume, or toxicity of
18 products or materials.

19 (C) EXCLUSION.—The term “source reduc-
20 tion” does not include an activity or process
21 used after a product or material has become
22 waste, such as incineration.

23 (13) SOURCE SEPARATION.—The term “source
24 separation”—

1 (A) means the separation of solid waste by
2 material or commodity type prior to collection,
3 such as separation into recyclable and non-recy-
4 clable materials or by recyclable commodity;
5 and

6 (B) does not require the use of tech-
7 nologies that sort mixed municipal solid waste
8 into recyclable and non-recyclable materials.

9 (14) WASTE PREVENTION.—The term “waste
10 prevention” means any method to reduce the
11 amount of materials disposed of in landfills or incin-
12 erated, including reuse and recycling.

13 (15) ZERO-EMISSIONS VEHICLE.—The term
14 “zero-emissions vehicle” means a vehicle that pro-
15 duces zero emissions of—

16 (A) greenhouse gases;

17 (B) criteria pollutants; and

18 (C) hazardous air pollutants.

19 (16) ZERO-WASTE.—The term “zero-waste”
20 means the conservation of all resources by means of
21 responsible production, consumption, reuse, and re-
22 covery of products, packaging, and materials with-
23 out—

24 (A) burning or otherwise destroying em-
25 bodied energy; and

1 (B) a discharge to land, water, or air that
 2 results in adverse human health or environ-
 3 mental effects.

4 (17) ZERO-WASTE PRACTICE.—The term “zero-
 5 waste practice” means a practice used to help
 6 achieve zero-waste, including the use of source re-
 7 duction.

8 **SEC. 3. GRANTS FOR ZERO-WASTE PROJECTS.**

9 (a) IN GENERAL.—The Administrator shall establish
 10 and carry out a program to award grants, on a competitive
 11 basis, to eligible entities to carry out projects described
 12 in subsection (b).

13 (b) GRANT USE.—

14 (1) ORGANICS RECYCLING INFRASTRUCTURE.—

15 (A) IN GENERAL.—An eligible entity re-
 16 ceiving a grant under this section may use such
 17 grant to carry out a project to construct, ex-
 18 pand, or modernize infrastructure required for
 19 organics recycling, including any facility, ma-
 20 chinery, or equipment required for the collection
 21 and processing of organic material on a city-
 22 wide or county-wide scale.

23 (B) REQUIREMENTS.—Each project car-
 24 ried out under this paragraph shall result in in-
 25 creased capacity—

(i) to collect and process residential and commercial organic material, including through source separation of organic material; and

(ii) to generate environmentally beneficial byproducts, such as compost with added nutritional content.

(C) MIXED-WASTE COMPOSTING.—A grant received under this paragraph may not be used to support the collection or processing of mixed-waste composting.

(2) ELECTRONIC WASTE RECYCLING.—

(A) IN GENERAL.—An eligible entity receiving a grant under this section may use such grant to carry out a project that enables the recycling or reuse of electronic devices at the end of their useful lifetime, including—

(i) constructing, expanding, or modernizing infrastructure and technology;

(ii) research and development; and

(iii) product refurbishment.

(B) REQUIREMENTS.—A project carried out under this paragraph—

(i) may not include an electronic waste buy-back program—

1 (I) that provides compensation
2 for used electronics; and

3 (II) under which such compensa-
4 tion may be applied as a credit toward
5 the purchase of new electronics; and

6 (ii) shall be carried out by an eligible
7 entity that is certified to recycle electronics
8 by an organization that is accredited by—

9 (I) the National Accreditation
10 Board of the American National
11 Standards Institute;

12 (II) the American Society of
13 Quality; or

14 (III) another accrediting body de-
15 termined appropriate by the Adminis-
16 trator.

17 (3) SOURCE REDUCTION.—

18 (A) IN GENERAL.—An eligible entity re-
19 ceiving a grant under this section may use such
20 grant to carry out a project relating to source
21 reduction, which such project may include, in
22 accordance with subparagraph (B), carrying out
23 product or manufacturing redesign or redevelop-
24 ment to reduce byproducts, packaging, and
25 other outputs.

1 (B) REDESIGN AND REDEVELOPMENT.—

2 An eligible entity may only carry out a project
3 described in subparagraph (A)(ii) if—

4 (i) the applicable manufacturer—

5 (I) is domestically owned and op-
6 erated; and

7 (II) pays a living wage; and

8 (ii) the redesign or redevelopment
9 does not result in—

10 (I) higher toxicity of the product
11 or byproducts;

12 (II) more complicated
13 recyclability of the product or byprod-
14 ucts; or

15 (III) increased volume of byprod-
16 ucts compared with the original prac-
17 tice.

18 (4) MARKET DEVELOPMENT.—

19 (A) IN GENERAL.—An eligible entity re-
20 ceiving a grant under this section may use such
21 grant to carry out a project that—

22 (i) creates market demand for source
23 reduction, sorted recyclable commodities,
24 goods made of sorted recyclable commod-
25 ities, or refurbished goods; and

1 (ii) as applicable, encourages or en-
2 ables investment in domestically owned and
3 operated manufacturing capacity with re-
4 spect to the list in clause (i).

5 (B) REQUIREMENTS.—Each project car-
6 ried out under this section—

7 (i) shall target easily or commonly re-
8 cycled materials which are disproportion-
9 ately disposed of in landfills or incinerated;

10 (ii) shall reduce the volume, weight, or
11 toxicity of waste and waste byproducts;
12 and

13 (iii) may not conflict with—

14 (I) minimum-content laws, such
15 as post-consumer recycled content re-
16 quirements;

17 (II) beverage container deposits;

18 (III) programs funded through
19 retail fees for specific products or
20 classes of products that use such fees
21 to collect, treat, or recycle such prod-
22 ucts; or

23 (IV) any applicable recycled
24 product procurement laws and ex-
25 panded sustainable government pur-

1 chasing requirements, as identified by
2 the Administrator.

3 (5) ZERO-EMISSIONS COLLECTION VEHICLES.—

4 An eligible entity receiving a grant under this sec-
5 tion may use such grant to carry out a project to
6 purchase, operate, and maintain zero-emissions vehi-
7 cles used to collect material for recycling or organics
8 recycling.

9 **SEC. 4. GRANTS FOR LANDFILL DIVERSION.**

10 (a) IN GENERAL.—The Administrator shall establish
11 and carry out a program to award grants, on a competitive
12 basis, to eligible entities to develop and implement new
13 requirements, as described in subsection (b), that reduce
14 the amount of waste disposed of in landfills.

15 (b) GRANT USE.—

16 (1) TIPPING FEES.—An eligible entity receiving
17 a grant under this section may use such grant to de-
18 velop and implement zero-waste practices that are
19 accompanied by permanent increases in tipping,
20 gate, or disposal fees imposed on the disposal of
21 waste at landfills.

22 (2) CURBSIDE COMPOSTING COLLECTION.—An
23 eligible entity receiving a grant under this section
24 may use such grant to support the implementation
25 of State programs that mandate the availability of

1 curbside collection of material for organics recycling
2 for all single-family and multifamily residential
3 households.

4 (3) LANDFILL DIVERSION.—An eligible entity
5 receiving a grant under this section may use such
6 grant to support the implementation of statewide re-
7 quirements that prohibit organic waste from being
8 sent to landfills.

9 (c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
10 tion, the term “eligible entity” means a single unit of
11 State government or a relevant State agency.

12 **SEC. 5. GRANT APPLICATIONS.**

13 (a) APPLICATION.—

14 (1) CRITERIA FOR ALL APPLICANTS.—To be eli-
15 gible to receive a grant under this Act, an eligible
16 entity shall submit to the Administrator an applica-
17 tion at such time and in such form as the Adminis-
18 trator requires, which shall include demonstrating
19 that the eligible entity—

20 (A) has set specific source reduction or
21 waste prevention targets; and

22 (B) will carry out a project that meets the
23 applicable project requirements under section
24 3(b) or 4(b).

1 (2) ADDITIONAL APPLICATION CRITERIA FOR
2 NONPROFIT ORGANIZATION.—In the case of an ap-
3 plication from an eligible entity that is a nonprofit
4 organization, the application shall include—

5 (A) a letter of support for the proposed
6 project from—

7 (i) a local unit of government; or

8 (ii) another nonprofit organization
9 that—

10 (I) has a demonstrated history of
11 undertaking work in the geographic
12 region where the proposed project is
13 to take place; and

14 (II) is not involved in the project
15 being proposed; and

16 (B) any other information the Adminis-
17 trator may require.

18 (b) PRIORITY FACTORS.—In awarding grants under
19 this Act, the Administrator shall give priority to any eligi-
20 ble entity that—

21 (1) with respect to an eligible entity that is a
22 State or unit of local government, has statutorily
23 committed to implementing one or more zero-waste
24 practices;

1 (2) demonstrates how use of such grant could
2 lead to the creation of new jobs that pay a living
3 wage and are, to the greatest extent practicable, of-
4 fered to individuals who experience barriers to em-
5 ployment, as determined by the Administrator;

6 (3) will use such grant to carry out source re-
7 duction or waste prevention in schools;

8 (4) will use such grant to employ an adaptive
9 management practice to identify, prevent, or address
10 any negative environmental consequences of a
11 project proposed to be carried out with a grant
12 under this Act;

13 (5) has a demonstrated need for additional in-
14 vestment in infrastructure or other resources to
15 achieve source reduction and waste prevention tar-
16 gets set by the local unit of government that is re-
17 sponsible for waste management and recycling in the
18 geographic area;

19 (6) will use such grant to develop an innovative
20 or new technology or strategy for source reduction
21 and waste prevention;

22 (7) demonstrates how receiving the grant will
23 encourage further investment in source reduction
24 and waste prevention activities; or

1 (8) will incorporate multi-stakeholder involve-
2 ment, including nonprofit, commercial, and public
3 sector partners, in carrying out a project using such
4 grant.

5 (c) REQUIREMENT.—Of the amount made available
6 pursuant to section 8(a), not less than 75 percent shall
7 be allocated to projects that serve, or are located in, envi-
8 ronmental justice communities.

9 **SEC. 6. REPORTING.**

10 Each eligible entity that receives a grant under this
11 Act shall submit to the Administrator a report, at such
12 time and in such form as the Administrator may require,
13 on the results of the project carried out with such grant,
14 and such report shall include any relevant data requested
15 by the Administrator for purposes of tracking the effec-
16 tiveness of the programs established under section 3(a)
17 and 4(b).

18 **SEC. 7. ANNUAL CONFERENCE.**

19 In each of calendar years 2022 through 2030, the
20 Administrator shall convene an annual conference to pro-
21 vide an opportunity for eligible entities and other relevant
22 stakeholders to share their experience and expertise in im-
23 plementing zero-waste practices.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GRANTS FOR ZERO-WASTE PROJECTS.—There is
3 authorized to be appropriated to carry out section 3
4 \$150,000,000 for each of fiscal years 2022 through 2031,
5 to remain available until expended.

6 (b) GRANTS FOR LANDFILL DIVERSION.—There is
7 authorized to be appropriated to carry out section 4
8 \$250,000,000 for the period of fiscal years 2022 through
9 2031, to remain available until expended.

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