

117TH CONGRESS
1ST SESSION

H. R. 2238

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 HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Mr. LOWENTHAL (for himself, Ms. CLARK of Massachusetts, Ms. NORTON, Ms. BARRAGÁN, Mr. CARBAJAL, Mr. CONNOLLY, Mr. QUIGLEY, Mr. LYNCH, Mr. GOMEZ, Mr. CLEAVER, Mr. RASKIN, Mr. EVANS, Mr. KILDEE, Mr. RUPPERSBERGER, Ms. LEE of California, Mr. MORELLE, Mr. HUFFMAN, Mr. LEVIN of California, Ms. VELÁZQUEZ, Mr. JONES, Mr. KILMER, Mr. SUOZZI, Ms. CLARKE of New York, Ms. SCHAKOWSKY, Mr. CASE, Ms. STRICKLAND, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. KHANNA, Mr. MEEKS, Mr. SEAN PATRICK MALONEY of New York, Ms. PINGREE, Ms. JACOBS of California, Mr. TRONE, Ms. BROWNLEY, Mr. HASTINGS, Mrs. NAPOLITANO, Mr. COHEN, Mr. ESPAILLAT, Mr. NADLER, Mrs. CAROLYN B. MALONEY of New York, Ms. NEWMAN, Mr. SHERMAN, Mr. WELCH, Mr. CRIST, Ms. MENG, Ms. BONAMICI, Mr. SMITH of Washington, Mr. GRIJALVA, Mrs. LURIA, Mrs. TRAHAN, Ms. CHU, Ms. MCCOLLUM, Mr. CICILLINE, Ms. DELBENE, Mr. DEFazio, Mr. JOHNSON of Georgia, Mr. DESAULNIER, Mr. MCGOVERN, Ms. TLAIB, Ms. PRESSLEY, Mrs. WATSON COLEMAN, Ms. ESCOBAR, Mr. PANNETTA, Mr. DELGADO, Ms. BLUNT ROCHESTER, Mr. KAHELE, Mr. KEATING, Mr. AUCHINCLOSS, Mr. SARBANES, Ms. SCANLON, Ms. ROYBAL-ALLARD, Ms. SCHRIER, Ms. WILD, Ms. CASTOR of Florida, Ms. JAYAPAL, Ms. DEAN, Ms. ESHOO, Mr. TAKANO, Mrs. DEMINGS, Mr. SCOTT of Virginia, Ms. LEGER FERNANDEZ, Mr. MOULTON, Mr. NEGUSE, Mr. DEUTCH, Mr. LARSEN of Washington, and Ms. OMAR) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PRODUCER RESPONSIBILITY FOR PRODUCTS AND** 7 **PACKAGING.**

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

11 **“Subtitle K—Producer Responsi-** 12 **bility for Products and Pack-** 13 **aging**

14 **“SEC. 12001. DEFINITIONS.**

15 “In this subtitle:

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

1 “(2) BEVERAGE.—

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

5 “(i) water;

6 “(ii) flavored water;

7 “(iii) soda water;

8 “(iv) mineral water;

9 “(v) beer;

10 “(vi) a malt beverage;

11 “(vii) a carbonated soft drink;

12 “(viii) liquor;

13 “(ix) tea;

14 “(x) coffee;

15 “(xi) hard cider;

16 “(xii) fruit juice;

17 “(xiii) an energy or sports drink;

18 “(xiv) coconut water;

19 “(xv) wine;

20 “(xvi) a yogurt drink;

21 “(xvii) a probiotic drink;

22 “(xviii) a wine cooler; and

23 “(xix) any other beverage determined
24 to be appropriate by the Administrator.

1 “(B) EXCLUSIONS.—The term ‘beverage’
2 does not include—

3 “(i) a drug regulated under the Fed-
4 eral Food, Drug, and Cosmetic Act (21
5 U.S.C. 301 et seq.);

6 “(ii) infant formula; or

7 “(iii) a meal replacement liquid.

8 “(3) BEVERAGE CONTAINER.—

9 “(A) IN GENERAL.—The term ‘beverage
10 container’ means a prepackaged beverage con-
11 tainer—

12 “(i) made of any material, including
13 glass, plastic, metal, and multimaterial;
14 and

15 “(ii) the volume of which is not more
16 than 3 liters.

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

21 “(i) a carton;

22 “(ii) a pouch; or

23 “(iii) aseptic packaging, such as a
24 drink box.

1 “(C) INCLUSION.—Notwithstanding sub-
2 paragraphs (A) and (B), for purposes of the
3 program under section 12104, the term ‘bev-
4 erage container’ includes a container for a bev-
5 erage that is not described in those subpara-
6 graphs, such as a carton, pouch, or drink box,
7 the responsible party for which elects to partici-
8 pate in the program under that section.

9 “(4) COMPOSTABLE.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), the term ‘compostable’ means, with
12 respect to a covered product, that the covered
13 product—

14 “(i)(I) meets the ASTM International
15 standard specification for compostable
16 products numbered D6400 or D6868—

17 “(aa) as in effect on the date of
18 enactment of this subtitle; or

19 “(bb) as revised after the date of
20 enactment of this subtitle, if the revi-
21 sion is approved by the Administrator;
22 and

23 “(II) is labeled to reflect that the cov-
24 ered product meets a standard described in
25 subclause (I);

“(ii) is certified as a compostable product by an independent party that is approved by the Administrator; or

“(iii) comprises only—

“(I) wood without any—

“(aa) coatings;

“(bb) additives; or

“(cc) effective beginning on February 1, 2023, toxic substances; or

“(II) natural fiber without any—

“(aa) coatings;

“(bb) additives; or

“(cc) effective beginning on February 1, 2023, toxic substances.

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

“(i) paper; or

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

“(5) COVERED PRODUCT.—

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

4 “(i) packaging;

5 “(ii) a food service product;

6 “(iii) paper;

7 “(iv) a single-use product that is not
8 subject to the prohibition under section
9 12202(c); and

10 “(v) a container for a beverage that is
11 not described in subparagraphs (A) and
12 (B) of paragraph (3), such as a carton,
13 pouch, or aseptic packaging, such as a
14 drink box, the responsible party for which
15 does not elect to participate in the pro-
16 gram under section 12104.

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

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

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

24 “(i) any restaurant; or

25 “(ii) any business that—

1 “(I) sells food, alcohol, or any
 2 other good or product to the public at
 3 retail; or

4 “(II) elects to comply with the
 5 requirements under, as applicable—

6 “(aa) section 12201; or

7 “(bb) section 12202.

8 “(B) EXCEPTION.—

9 “(i) IN GENERAL.—The term ‘covered
 10 retail or service establishment’ does not in-
 11 clude any entity described in subparagraph
 12 (A) if the State, or any local government
 13 or political subdivision thereof, in which
 14 that entity is located has been granted a
 15 waiver pursuant to clause (ii).

16 “(ii) WAIVER.—The Administrator
 17 shall prescribe regulations providing for
 18 the waiver of the application of section
 19 12201 or 12202 with respect to any State,
 20 or any local government or political sub-
 21 division thereof, that has enacted require-
 22 ments that are similar to the requirements
 23 imposed under that section.

24 “(7) FOOD SERVICE PRODUCT.—The term ‘food
 25 service product’ means an item intended to deliver a

1 food product, regardless of the recyclability or
2 compostability of the item, including—

3 “(A) a utensil;

4 “(B) a straw;

5 “(C) a drink cup;

6 “(D) a drink lid;

7 “(E) a food package;

8 “(F) a food container;

9 “(G) a plate;

10 “(H) a bowl;

11 “(I) a meat tray; and

12 “(J) a food wrap.

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

15 “(A) has a fibrous shape;

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

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

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

24 “(10) PACKAGING.—

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

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

5 “(ii) any part of a package or con-
6 tainer, regardless of recyclability or
7 compostability, that includes material that
8 is used for the containment, protection,
9 handling, delivery, and presentation of
10 goods that are sold, offered for sale, or dis-
11 tributed to consumers in the United
12 States, including through an internet
13 transaction.

14 “(B) INCLUSIONS.—The term ‘packaging’
15 includes packaging described in subparagraph
16 (A) that is—

17 “(i) intended for the consumer mar-
18 ket;

19 “(ii) service packaging designed and
20 intended to be used or filled at the point
21 of sale, such as carry-out bags, bulk good
22 bags, take-out bags, and home delivery
23 food service packaging;

24 “(iii) secondary packaging used to
25 group products for multiunit sale;

1 “(iv) tertiary packaging used for
2 transportation or distribution directly to a
3 consumer; and

4 “(v) ancillary elements hung or at-
5 tached to a product and performing a
6 packaging function.

7 “(C) EXCLUSION.—The term ‘packaging’
8 does not include packaging described in sub-
9 paragraph (A) that is—

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

12 “(ii) with a life of not less than 5
13 years.

14 “(11) PAPER.—

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

19 “(B) INCLUSIONS.—The term ‘paper’ in-
20 cludes—

21 “(i) newsprint and inserts;

22 “(ii) magazines and catalogs;

23 “(iii) direct mail;

24 “(iv) office paper; and

25 “(v) telephone directories.

1 “(C) EXCLUSIONS.—The term ‘paper’ does
2 not include—

3 “(i) a paper product that, due to the
4 intended use of the paper product, could
5 become unsafe or unsanitary to recycle; or
6 “(ii) a bound book.

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

9 “(13) PROGRAM.—The term ‘Program’ means a
10 Product Stewardship Program established under sec-
11 tion 12102(a)(2).

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

15 “(A) the covered product or beverage con-
16 tainer can be economically and technically recy-
17 cled in current United States market condi-
18 tions;

19 “(B) United States processing capacity is
20 in operation to recycle, with the geographical
21 distribution of the capacity aligned with the
22 population of geographical regions of the
23 United States, of the total quantity of the cov-
24 ered product or beverage container—

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

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

5 “(iii) for each of calendar years 2030
6 through 2034, not less than 50 percent;
7 and

8 “(iv) for calendar year 2035 and each
9 calendar year thereafter, not less than 60
10 percent;

11 “(C) the consumer that uses the covered
12 product or beverage container is not required to
13 remove an attached component of the covered
14 product or beverage container, such as a shrink
15 sleeve, label, or filter, before the covered prod-
16 uct or beverage container can be recycled; and

17 “(D) effective beginning on February 1,
18 2023, the covered product or beverage container
19 does not contain a toxic substance.

20 “(15) RECYCLE.—

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

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

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

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

5 “(III) in the case of composting or or-
6 ganic recycling, productively used for soil
7 improvement.

8 “(B) EXCLUSION.—The term ‘recycle’ does
9 not include—

10 “(i) the method of sorting, processing,
11 and aggregating materials from solid waste
12 that does not preserve the original material
13 quality, and, as a result, the aggregated
14 material is no longer usable for its initial
15 purpose or a substantially similar product
16 and can only be used for inferior purposes
17 or products (commonly referred to as
18 ‘downcycling’);

19 “(ii) the use of waste—

20 “(I) as a fuel or fuel substitute;

21 “(II) for energy production;

22 “(III) for repurposing into infra-
23 structure, including—

24 “(aa) pavement for streets
25 or sidewalks;

1 “(bb) building materials;
2 and

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

6 “(IV) for alternate operating
7 cover; or

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

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

13 “(I) incineration;

14 “(II) pyrolysis;

15 “(III) hydrolysis;

16 “(IV) methanolysis;

17 “(V) gasification; or

18 “(VI) a similar technology, as de-
19 termined by the Administrator.

20 “(16) RESPONSIBLE PARTY.—

21 “(A) BEVERAGE CONTAINERS.—

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

1 “(I) a person that engages in the
2 distribution or sale of the beverage in
3 a beverage container to a retailer in
4 the United States, including any man-
5 ufacturer that engages in that sale or
6 distribution;

7 “(II) if subclause (I) does not
8 apply, a person that engages in the
9 sale of the beverage in a beverage con-
10 tainer directly to a consumer in the
11 United States; or

12 “(III) if subclauses (I) and (II)
13 do not apply, a person that imports
14 the beverage sold in a beverage con-
15 tainer into the United States for use
16 in a commercial enterprise, sale, offer
17 for sale, or distribution in the United
18 States.

19 “(ii) RELATED DEFINITIONS.—In this
20 subparagraph:

21 “(I) DISTRIBUTOR.—The term
22 ‘distributor’ means a person that en-
23 gages in the sale of beverages in bev-
24 erage containers to a retailer in the
25 United States.

1 “(II) MANUFACTURER.—The
2 term ‘manufacturer’ means a person
3 bottling, canning, or otherwise filling
4 beverage containers for sale to dis-
5 tributors, importers, or retailers.

6 “(III) RETAILER.—

7 “(aa) IN GENERAL.—The
8 term ‘retailer’ means a person in
9 the United States that—

10 “(AA) engages in the
11 sale of beverages in beverage
12 containers to a consumer; or

13 “(BB) provides bev-
14 erages in beverage con-
15 tainers to a person in com-
16 merce, including provision
17 free of charge, such as at a
18 workplace or event.

19 “(bb) INCLUSION.—The
20 term ‘retailer’ includes a person
21 that engages in the sale of or
22 provides beverages in beverage
23 containers, as described in item
24 (aa), through a vending machine
25 or similar means.

1 “(B) COVERED PRODUCTS.—With respect
2 to a covered product, the term ‘responsible
3 party’ means—

4 “(i) a person that manufactures and
5 uses in a commercial enterprise, sells, of-
6 fers for sale, or distributes the covered
7 product in the United States under the
8 brand of the manufacturer;

9 “(ii) if clause (i) does not apply, a
10 person that is not the manufacturer of the
11 covered product but is the owner or li-
12 censee of a trademark under which the
13 covered product is used in a commercial
14 enterprise, sold, offered for sale, or distrib-
15 uted in the United States, whether or not
16 the trademark is registered; or

17 “(iii) if clauses (i) and (ii) do not
18 apply, a person that imports the covered
19 product into the United States for use in
20 a commercial enterprise, sale, offer for
21 sale, or distribution in the United States.

22 “(17) RESTAURANT.—

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

1 “(i) for consumption by the public;

2 “(ii) in a form or quantity that is
3 consumable immediately at the establish-
4 ment, whether or not the food or beverage
5 is consumed within the confines of the
6 place where the food or beverage is pre-
7 pared; or

8 “(iii) in a consumable form for con-
9 sumption outside the place where the food
10 or beverage is prepared.

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

13 “(18) REUSABLE.—The term ‘reusable’ means,
14 with respect to a covered product or beverage con-
15 tainer, that the covered product or beverage con-
16 tainer is—

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

19 “(B) reusable or refillable for such number
20 of cycles, but not less than 100 cycles, as the
21 Administrator determines to be appropriate for
22 the covered product or beverage container.

23 “(19) SINGLE-USE PRODUCT.—

24 “(A) IN GENERAL.—The term ‘single-use
25 product’ means a consumer product that is rou-

1 tinely disposed of, recycled, or otherwise dis-
2 carded after a single use.

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

5 “(i) medical food, supplements, de-
6 vices, or other products determined by the
7 Secretary of Health and Human Services
8 to necessarily be made of plastic for the
9 protection of public health;

10 “(ii) personal protective equipment,
11 including—

12 “(I) masks;

13 “(II) gloves;

14 “(III) face shields; and

15 “(IV) other personal protective
16 equipment determined by Secretary of
17 Health and Human Services to be
18 necessarily made out of plastic for the
19 protection of public health;

20 “(iii) a personal hygiene product that,
21 due to the intended use of the product,
22 could become unsafe or unsanitary to recy-
23 cle, such as a diaper; or

24 “(iv) packaging that is—

1 “(I) for any product described in
2 clause (i); or

3 “(II) used for the shipment of
4 hazardous materials that is prohibited
5 from being composed of used mate-
6 rials under section 178.509 or
7 178.522 of title 49, Code of Federal
8 Regulations (as in effect on the date
9 of enactment of this subtitle).

10 “(20) TOXIC SUBSTANCE.—

11 “(A) IN GENERAL.—The term ‘toxic sub-
12 stance’ means any substance, mixture, or com-
13 pound that may cause personal injury or dis-
14 ease to humans through ingestion, inhalation,
15 or absorption through any body surface and
16 satisfies 1 or more of the following conditions:

17 “(i) The substance, mixture, or com-
18 pound is subject to reporting requirements
19 under—

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

23 “(II) the Comprehensive Envi-
24 ronmental Response, Compensation,

1 and Liability Act of 1980 (42 U.S.C.
2 9601 et seq.); or

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

5 “(ii) Testing has produced evidence
6 recognized by the National Institute for
7 Occupational Safety and Health or the En-
8 vironmental Protection Agency that the
9 substance, mixture, or compound poses
10 acute or chronic health hazards.

11 “(iii) The Administrator or the Sec-
12 retary of Health and Human Services has
13 issued a public health advisory for the sub-
14 stance, mixture, or compound.

15 “(iv) Exposure to the substance, mix-
16 ture, or compound is shown by expert tes-
17 timony recognized by the Environmental
18 Protection Agency to increase the risk of
19 developing a latent disease.

20 “(v) The substance, mixture, or com-
21 pound is—

22 “(I) a perfluoroalkyl or
23 polyfluoroalkyl substance;

24 “(II) an ortho-phthalate;

1 “(III) a bisphenol compound (not
2 including an alkyl-substituted
3 bisphenol compound generated
4 through a xlenol-aldehyde process);
5 or

6 “(IV) a halogenated or nanoscale
7 flame retardant chemical.

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

10 “(i) a pesticide applied—

11 “(I) in accordance with Federal,
12 State, and local laws (including regu-
13 lations); and

14 “(II) in accordance with the in-
15 structions of the manufacturer of the
16 pesticide; or

17 “(ii) ammunition, a component of am-
18 munition, a firearm, an air rifle, discharge
19 of a firearm or an air rifle, hunting or
20 fishing equipment, or a component of
21 hunting or fishing equipment.

22 “(21) TRANSLATION SERVICES.—The term
23 ‘translation services’ means professional language in-
24 terpretation and translation services provided in any
25 language spoken by more than 5 percent of the pop-

1 ulation residing within a community for written doc-
2 uments and notices and oral communications.

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

6 “(23) UTENSIL.—

7 “(A) IN GENERAL.—The term ‘utensil’
8 means a product designed to be used by a con-
9 sumer to facilitate the consumption of a food or
10 beverage.

11 “(B) INCLUSIONS.—The term ‘utensil’ in-
12 cludes a knife, a fork, a spoon, a spork, a cock-
13 tail pick, a chopstick, a splash stick, and a stir-
14 rer.

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

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

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

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

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

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

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

11 “(B) for fiscal year 2023 and each subsequent
12 fiscal year, has an annual revenue of less than the
13 applicable amount during the preceding fiscal year,
14 as adjusted to reflect changes for the 12-month pe-
15 riod ending on the preceding November 30 in the
16 Consumer Price Index for All Urban Consumers
17 published by the Bureau of Labor Statistics of the
18 Department of Labor; or

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

22 “(c) ENFORCEMENT.—

23 “(1) PROHIBITION.—It shall be unlawful for
24 any person that is a responsible party for a covered
25 product or beverage sold in a beverage container to

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

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

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

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

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

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

25 “(a) IN GENERAL.—

1 “(1) ESTABLISHMENT.—To satisfy the require-
2 ment under section 12101(a)(1), 1 or more respon-
3 sible parties for a category of covered product or
4 beverage sold in a beverage container shall establish
5 a Producer Responsibility Organization that shall
6 act as an agent and on behalf of each responsible
7 party to carry out the responsibilities of the respon-
8 sible party under this part with respect to that cat-
9 egory of covered product or beverage sold in a bev-
10 erage container.

11 “(2) PROGRAM.—An Organization shall estab-
12 lish a Product Stewardship Program to carry out
13 the responsibilities of the Organization under this
14 part.

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

20 “(A) coordinate and manage those Organi-
21 zations; or

22 “(B) establish an entity—

23 “(i) to carry out subparagraph (A);

24 and

1 “(ii) to conduct business between
2 those Organizations and State and local
3 governments.

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

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

10 “(B) may participate in—

11 “(i) only 1 national Organization with
12 respect to—

13 “(I) each category of covered
14 products; or

15 “(II) beverages sold in beverage
16 containers; or

17 “(ii) only 1 regional Organization with
18 respect to beverages sold in beverage con-
19 tainers and each category of covered prod-
20 ucts for each region in which the covered
21 products or beverages sold in beverage con-
22 tainers produced by the responsible party
23 are sold.

24 “(5) NONPROFIT STATUS.—An Organization
25 shall be established and operated as an organization

described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code.

“(6) CATEGORIES.—The Administrator, in consultation with Organizations, shall promulgate regulations to establish categories of covered products and beverages sold in beverage containers for purposes of this part.

“(b) PARTICIPATION FEES.—

“(1) IN GENERAL.—Subject to paragraph (5), an Organization shall charge each responsible party a fee for membership in the Organization in accordance with this subsection.

“(2) COMPONENTS.—A fee charged to a responsible party under paragraph (1) shall include—

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

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

“(3) MANAGEMENT AND CLEANUP COSTS.—

“(A) IN GENERAL.—A fee under paragraph (1) shall include, with respect to a responsible party, the costs of management (which shall include costs assessed by the advisory committee for the Organization, in con-

1 sultation with municipalities, other government
2 entities, contracted entities, and other stake-
3 holders, for collecting, transporting, processing,
4 recycling, and composting) or cleaning up the
5 covered products or beverage containers of the
6 responsible party after consumer use through
7 the applicable Program, including administra-
8 tive costs.

9 “(B) CONSIDERATIONS.—In determining
10 the costs of management and cleanup described
11 in subparagraph (A) with respect to a respon-
12 sible party, an Organization shall, at a min-
13 imum, take into account—

14 “(i) the cost to properly manage the
15 applicable category of covered product or
16 beverage container waste;

17 “(ii) the cost to assist in cleaning up
18 the covered product or beverage container
19 waste, including waste generated before
20 the date of enactment of this subtitle, of
21 the responsible party from—

22 “(I) public places;

23 “(II) freshwater and marine envi-
24 ronments, to the extent that cleanup
25 can be accomplished without harming

1 the existing marine life and intact
2 ecosystems; and

3 “(III) materials in compost facili-
4 ties or other facilities handling or-
5 ganic wastes;

6 “(iii) to the extent that cleanup of the
7 covered products or beverage containers
8 from freshwater and marine environments
9 cannot be accomplished without harming
10 the existing freshwater and marine life and
11 intact ecosystems, the cost of other appro-
12 priate mitigation measures;

13 “(iv) the higher cost of managing cov-
14 ered products that—

15 “(I) bond materials together,
16 making the covered product more dif-
17 ficult to recycle, such as plastic bond-
18 ed with paper or metal;

19 “(II) would typically be recycla-
20 ble or compostable, but, as a con-
21 sequence of the design of the covered
22 product, has the effect of disrupting
23 recycling or composting processes;

24 “(III) includes labels, inks, lin-
25 ers, and adhesives containing—

1 “(aa) heavy metals; or

2 “(bb) effective beginning on

3 February 1, 2023, other toxic

4 substances; or

5 “(IV) cannot be mechanically re-
6 cycled;

7 “(v) the lower cost of managing—

8 “(I) beverage containers that
9 have—

10 “(aa) nondetachable caps; or

11 “(bb) other innovations and
12 design characteristics to prevent
13 littering; and

14 “(II) contact containers and
15 other covered products that—

16 “(aa) are specifically de-
17 signed to be reusable or refillable;
18 and

19 “(bb) have a high reuse or
20 refill rate;

21 “(vi) covered products with lower en-
22 vironmental impacts, including—

23 “(I) covered products that are
24 made of—

1 “(aa) sustainable or renew-
2 ably sourced materials; or

3 “(bb) at least 90 percent by
4 weight of any combination of—

5 “(AA) postconsumer re-
6 cycled content; or

7 “(BB) materials de-
8 rived from land or fresh-
9 water or marine environ-
10 ment litter; and

11 “(II) compostable covered prod-
12 ucts that—

13 “(aa) have direct contact
14 with food; or

15 “(bb) help divert food waste
16 from a landfill; and

17 “(vii) the percentage of postconsumer
18 recycled content verified by an independent
19 party designated by the Administrator that
20 exceeds the minimum requirements estab-
21 lished under section 12302 in the pack-
22 aging, if the recycled content does not dis-
23 rupt the potential for future recycling.

24 “(4) ADMINISTRATIVE COSTS.—

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

3 “(i) the administrative costs to the
4 Organization of carrying out the Program;

5 “(ii) the cost to the Administrator of
6 administering this part with respect to the
7 applicable Organization, including—

8 “(I) oversight, including annual
9 oversight;

10 “(II) issuance of any rules;

11 “(III) planning;

12 “(IV) Plan review;

13 “(V) compliance;

14 “(VI) outreach and education;

15 “(VII) professional language in-
16 terpretation and translation services
17 for all publicly distributed materials;

18 “(VIII) enforcement;

19 “(IX) sufficient staff positions to
20 administer this part; and

21 “(X) other activities directly re-
22 lated to the activities described in sub-
23 clauses (I) through (IX); and

1 “(iii) the cost to a State for carrying
2 out enforcement with respect to the appli-
3 cable Organization.

4 “(B) CONSIDERATION.—In determining
5 the fee for a responsible party under subpara-
6 graph (A), an Organization shall consider the
7 company size and annual revenue of the respon-
8 sible party.

9 “(C) REIMBURSEMENT.—An Organization
10 shall reimburse—

11 “(i) the Administrator for costs de-
12 scribed subparagraph (A)(ii) incurred by
13 the Administrator; and

14 “(ii) a State for costs described in
15 subparagraph (A)(iii) incurred by the
16 State.

17 “(D) ADMINISTRATOR REIMBURSEMENTS
18 ACCOUNT.—

19 “(i) IN GENERAL.—The Administrator
20 shall deposit reimbursements received from
21 an Organization under subparagraph (C)(i)
22 into a dedicated account established for
23 that Organization, which shall be available
24 to the Administrator for activities of the

1 Administrator associated with overseeing
2 the Plan and Program of the Organization.

3 “(ii) REPORTS.—Not less frequently
4 than annually, the Administrator shall—

5 “(I) submit to Congress a report
6 describing the amount of reimburse-
7 ments deposited into each account
8 under clause (i); and

9 “(II) make the report described
10 in subclause (I) publicly available.

11 “(5) APPROVAL.—

12 “(A) IN GENERAL.—Before an Organiza-
13 tion may charge a fee or revise the amount of
14 a fee to be charged under paragraph (1)—

15 “(i) the Organization shall submit to
16 the Administrator the fee structure and
17 the methodology for determining that fee
18 structure; and

19 “(ii)(I) the Organization shall receive
20 notification of approval of the fee structure
21 under subparagraph (B)(ii); or

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

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

4 “(i)(I) approve the fee structure if the
5 Administrator determines that the fee
6 structure is in accordance with this sub-
7 section; or

8 “(II) deny the fee structure if the Ad-
9 ministrator determines that the fee struc-
10 ture is not in accordance with this sub-
11 section; and

12 “(ii) notify the Organization of—

13 “(I) the determination under
14 clause (i); and

15 “(II) in the case of a denial
16 under clause (i)(II), the reasons for
17 the denial and recommendations for
18 revisions that are likely to be ap-
19 proved.

20 “(C) FAILURE TO MEET DEADLINE.—If
21 the Administrator does not make a determina-
22 tion under clause (i) of subparagraph (B) by
23 the date required under that subparagraph, the
24 fee structure shall be considered to be approved.

25 “(c) ADVISORY COMMITTEES.—

1 “(1) IN GENERAL.—An Organization shall es-
2 tablish an advisory committee that represents a
3 range of interested and engaged persons relevant to
4 the category of covered products or beverages sold in
5 beverage containers of the applicable Program, in-
6 cluding—

7 “(A) collection providers;

8 “(B) cleanup service providers;

9 “(C) recyclers;

10 “(D) composters; and

11 “(E) governmental entities.

12 “(2) COMPOSITION.—

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

16 “(i) responsible parties, such as a
17 trade association;

18 “(ii) States;

19 “(iii) cities, including—

20 “(I) small and large cities; and

21 “(II) cities located in urban and
22 rural counties;

23 “(iv) counties, including—

24 “(I) small and large counties;

25 and

1 “(II) urban and rural counties;

2 “(v) public sector recycling,
3 composting, and solid waste industries for
4 the applicable type of product or pack-
5 aging;

6 “(vi) private sector recycling,
7 composting, and solid waste industries for
8 the applicable type of product or pack-
9 aging;

10 “(vii) recycled feedstock users for the
11 applicable type of product or packaging;

12 “(viii) public place litter programs;

13 “(ix) freshwater and marine litter pro-
14 grams;

15 “(x) environmental organizations;

16 “(xi) disability advocates;

17 “(xii) Indian Tribes; and

18 “(xiii) environmental and human
19 health scientists.

20 “(B) REQUIREMENTS.—

21 “(i) IN GENERAL.—Each individual
22 serving on an advisory committee may rep-
23 resent only 1 category described in clauses
24 (i) through (xiii) of subparagraph (A).

1 “(ii) DISPROPORTIONATE REPRESENTATION.—An Organization shall ensure
2 that no category described in clauses (i)
3 through (xiii) of subparagraph (A) has disproportionate representation on an advisory committee.
4
5
6

7 “(3) PUBLIC COMMENT.—

8 “(A) IN GENERAL.—Each year, an Organization shall provide a process to receive comments from additional stakeholders and community members, which to the maximum extent practicable shall include diverse ethnic populations.
9
10
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13

14 “(B) COMMUNICATION METHODS AND REQUIREMENTS.—With respect to the public comment process described in subparagraph (A), an Organization—
15
16
17

18 “(i) shall provide translation services;
19 and

20 “(ii)(I) shall not require members of
21 the public to produce a form of identification or register their names, provide other
22 information, complete a questionnaire, or
23 otherwise fulfill any condition precedent to
24 attending a public hearing; and
25

1 “(II) shall include on any attendance
2 list, register, questionnaire, or other simi-
3 lar document that is used during a public
4 hearing a clear statement that the signing,
5 registering, or completion of the document
6 is voluntary.

7 “(4) EXPENSES.—

8 “(A) IN GENERAL.—An Organization shall
9 reimburse representatives of community groups,
10 Indian Tribes, State and local governments,
11 and nonprofit organizations for expenses relat-
12 ing to participating on the advisory committee.

13 “(B) OTHER MEMBERS.—Other members
14 of the advisory committee may be compensated
15 for travel expenses as needed to ensure the abil-
16 ity of those members to participate on the advi-
17 sory committee.

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

22 “(5) DUTIES OF ADVISORY COMMITTEES.—An
23 advisory committee shall—

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

1 “(ii) submit to the Organization that Plan
2 or revisions to the Plan for review and approval
3 under paragraph (6)(B); and

4 “(B) submit to the Organization and di-
5 rectly to the Administrator any reports, rec-
6 ommendations, or objections of the advisory
7 committee relating to the Plan, fee structure, or
8 other activities of the Organization.

9 “(6) DUTIES.—An Organization—

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

12 “(B) shall review and approve the Plan or
13 revisions to the Plan submitted by an advisory
14 committee under paragraph (5)(A)(ii) prior to
15 the submission to the Administrator of the Plan
16 or revisions under section 12105;

17 “(C) shall include a summary of advisory
18 committee engagement and input in the report
19 under section 12107;

20 “(D) shall not modify a Plan without the
21 approval of the advisory committee of the Orga-
22 nization; and

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

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

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

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

6 “(A) in the case of covered products, by
7 providing for the collection and sorting of cov-
8 ered products in accordance with subsection (b);
9 or

10 “(B) in the case of beverage containers, by
11 carrying out the responsibilities under section
12 12104(e); and

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

16 “(b) COLLECTION.—

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

21 “(2) CONVENIENCE.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), collection opportunities described in
24 paragraph (1) shall—

25 “(i) be provided throughout each
26 State, Tribal land, and territory in which

1 the applicable covered product is sold, in-
2 cluding in rural and island communities;

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

5 “(iii) in a case in which collection of
6 the applicable covered product by curbside
7 collection is not practicable, be, as deter-
8 mined by the Administrator, and in the
9 case of a city with a population of 750,000
10 or more residents, subject to the approval
11 of the city, available for not less than 95
12 percent of the population of the applicable
13 area within—

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

16 “(II) in the case of a rural area,
17 the longer of—

18 “(aa) a 45-minute drive; and

19 “(bb) the time to drive to
20 the nearest rural service center.

21 “(B) WAIVER.—The Administrator may
22 waive the requirement under subparagraph (A)
23 after—

1 “(i) consultation with the advisory
2 committee of the applicable Organization
3 and other appropriate stakeholders; and

4 “(ii) approval by the unit of local gov-
5 ernment with jurisdiction over the applica-
6 ble area.

7 “(3) METHODS.—

8 “(A) CURBSIDE OR MULTIFAMILY COLLEC-
9 TION.—With respect to a geographic area de-
10 scribed in paragraph (2)(A), an Organization
11 shall, at a minimum, provide the opportunity
12 for the collection of the applicable covered prod-
13 uct through a curbside or multifamily recycling
14 collection service, if—

15 “(i) curbside collection is provided, as
16 of the date of enactment of this subtitle, to
17 residents in single family and multifamily
18 residences in an applicable area;

19 “(ii) the category of covered prod-
20 uct—

21 “(I) is suitable for curbside or
22 multifamily recycling collection; and

23 “(II) can be effectively sorted by
24 facilities receiving the covered product
25 after collection; and

1 “(iii) the provider of the service
2 agrees—

3 “(I) to accept the category of
4 covered product; and

5 “(II) to a compensation agree-
6 ment described in subparagraph (C).

7 “(B) OTHER METHODS.—In addition to
8 the method described in subparagraph (A), an
9 Organization may comply with the requirement
10 under paragraph (1) by—

11 “(i) entering into an agreement
12 with—

13 “(I) an entity that carries out a
14 program through which consumers
15 may drop off the covered product at a
16 designated location (commonly known
17 as a ‘depot drop-off program’); or

18 “(II) a retailer that accepts the
19 covered product from consumers
20 (commonly known as ‘retailer take-
21 back’); or

22 “(ii) such other means as the Organi-
23 zation determines to be appropriate, in-
24 cluding by establishing a collection pro-
25 gram or service, including a program or

1 service that provides collection from public
2 spaces.

3 “(C) COMPENSATION AGREEMENTS.—

4 “(i) IN GENERAL.—An Organization
5 may comply with this subsection by enter-
6 ing into an agreement with a governmental
7 or private entity under which the Organi-
8 zation compensates the entity for the col-
9 lection of covered products.

10 “(ii) REQUIREMENT.—As part of a
11 compensation agreement under clause (i),
12 an Organization shall offer to provide re-
13 imbursement of not less than 100 percent
14 of the cost to the entity of managing the
15 covered products, including, as applicable,
16 administrative costs, sorting, and reproc-
17 essing.

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

21 “(A) ensure that—

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

24 “(I) facilities that are effective in
25 sorting and reprocessing covered prod-

1 uct waste prior to shipment in a form
2 ready for remanufacture into new
3 products; or

4 “(II) other facilities that the Ad-
5 ministrator determines appropriately
6 manage the covered product waste;

7 “(ii) covered products are managed in
8 an environmentally sound and socially just
9 manner at reprocessing, disposal, or other
10 facilities operating with human health and
11 environmental protection standards that
12 are broadly equivalent to the standards re-
13 quired in—

14 “(I) the United States; or

15 “(II) other countries that are
16 members of the Organization for Eco-
17 nomic Cooperation and Development;
18 and

19 “(iii) the Program includes measures
20 to track, verify, and publicly report that
21 covered products are managed responsibly
22 and not reexported to countries in which
23 standards described in clause (ii) are not
24 met; and

25 “(B) take measures—

1 “(i) to promote high-quality recycling
2 that retains material quality;

3 “(ii) to meet the necessary quality
4 standards for the relevant facilities that
5 manufacture new products from the col-
6 lected, sorted, and reprocessed materials;
7 and

8 “(iii) to prioritize the recycling of
9 products and packaging into uses that
10 achieve the greatest environmental benefits
11 from displacing the use of virgin materials.

12 “(5) COSTS.—

13 “(A) IN GENERAL.—A responsible party or
14 an Organization may not charge an entity de-
15 scribed in subparagraph (B) any amount for
16 the cost of carrying out this subsection.

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

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

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

1 “(B) prohibits a governmental entity from
2 providing for the collection and sorting of cov-
3 ered products.

4 “(c) CLEANUP; REDUCTION IN WASTE.—A Program
5 shall—

6 “(1) provide funding to, and coordinate with,
7 entities that collect covered product or beverage con-
8 tainer litter from public places or freshwater or ma-
9 rine environments in the United States, including
10 Tribal land and territories; and

11 “(2) coordinate product design and Program in-
12 novations to reduce covered product or beverage con-
13 tainer waste.

14 “(d) MINIMUM FUNDING REQUIREMENTS.—

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

18 “(A)(i) for the 10-year period beginning on
19 the date on which the Organization is estab-
20 lished, not less than 50 percent is used for the
21 improvement and development of new market,
22 recycling, or composting infrastructure in the
23 United States, which may include installing or
24 upgrading equipment at existing sorting and re-
25 processing facilities—

1 “(I) to improve sorting of covered
2 product waste; or

3 “(II) to mitigate the impacts of cov-
4 ered product waste to other commodities;
5 and

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

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

11 “(i) cleanup activities under sub-
12 section (c)(1); and

13 “(ii) the removal of covered product
14 or beverage container contaminants at
15 compost facilities and other facilities that
16 manage organic materials.

17 “(2) DETERMINATION OF EXPENDITURES.—

18 For purposes of carrying out paragraph (1), Pro-
19 gram expenditures for a fiscal year shall be based
20 on—

21 “(A) in the case of the first fiscal year of
22 the Program, budgeted expenditures for the fis-
23 cal year; and

1 “(B) in the case of each fiscal year there-
 2 after, Program expenditures for the previous
 3 fiscal year.

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

5 “(a) RESPONSIBILITIES OF RESPONSIBLE PAR-
 6 TIES.—

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

9 “(A) charge to a retailer to which the bev-
 10 erage in a beverage container is delivered a de-
 11 posit in the amount of the applicable refund
 12 value described in subsection (c) on delivery;
 13 and

14 “(B) on receipt of an empty beverage con-
 15 tainer from a retailer, pay to the retailer a re-
 16 fund in the amount of the applicable refund
 17 value described in subsection (c).

18 “(2) USE OF DEPOSITS FROM UNREDEEMED
 19 BEVERAGE CONTAINERS.—A responsible party shall
 20 use any amounts received as deposits under para-
 21 graph (1)(A) for which an empty beverage container
 22 is not returned to the Organization responsible for
 23 the material of the beverage container for invest-
 24 ment in collection, recycling, and reuse infrastruc-
 25 ture.

1 “(b) RESPONSIBILITIES OF RETAILERS.—

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

5 “(A) charge to the customer to which the
6 beverage in a beverage container is sold a de-
7 posit in the amount of the applicable refund
8 value described in subsection (c) on the sale;

9 “(B) on receipt of an empty beverage con-
10 tainer from a customer, pay to the customer a
11 refund in the amount of the applicable refund
12 value described in subsection (c);

13 “(C) accept a beverage container and pay
14 a refund under subparagraph (B)—

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

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

20 “(D) in the case of a retailer that is equal
21 to or greater than 5,000 square feet, accept any
22 brand and size of beverage container and pay a
23 refund under subparagraph (B) for the bev-
24 erage container, regardless of whether the re-

1 tailer sells that brand or size of beverage con-
2 tainer.

3 “(2) EXCEPTIONS.—

4 “(A) DIRTY OR DAMAGED.—A retailer de-
5 scribed in paragraph (1) may refuse to accept
6 a beverage container and pay a refund under
7 paragraph (1)(B) if the beverage container—

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

10 “(I) water;

11 “(II) residue of the original con-
12 tents; or

13 “(III) ordinary dust; or

14 “(ii) is so damaged that the brand or
15 refund label appearing on the container
16 cannot be identified.

17 “(B) CONTAINER LIMITATION.—

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

24 “(ii) SMALL RETAILERS.—A retailer
25 described in paragraph (1) that is less

1 than 5,000 square feet may refuse to ac-
2 cept, and pay a refund under paragraph
3 (1)(B) for, more than 50 beverage con-
4 tainers per person per day.

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

11 “(D) RESTAURANTS.—A retailer described
12 in paragraph (1) that is a restaurant may
13 refuse to accept, and pay a refund under para-
14 graph (1)(B) for, a beverage container that the
15 restaurant did not sell.

16 “(E) OTHER MEANS OF RETURN.—The
17 Administrator may permit the establishment of
18 convenience zones, under which a retailer within
19 a convenience zone is exempt from this sub-
20 section if the Administrator determines that the
21 retailer—

22 “(i) is located within close proximity
23 to a redemption center established under
24 subsection (e)(2); and

1 “(ii) shares in the cost of the oper-
 2 ation of that redemption center with the
 3 responsible party.

4 “(c) APPLICABLE REFUND VALUE.—

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

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

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

13 “(i) inflation; and

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

17 “(B) decrease the minimum refund value
 18 under paragraph (1) to account for beverage
 19 containers that—

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

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

23 “(3) DISCRETIONARY INCREASES.—A respon-
 24 sible party, with respect to a covered product or bev-
 25 erage container, or a State may require a refund

1 value that is more than the minimum refund value
2 under paragraph (1).

3 “(d) LABELING.—Any manufacturer, importer, or
4 distributor of a beverage in a beverage container that is
5 sold in the United States shall include on the label of the
6 beverage container a standardized description of the appli-
7 cable refund value in such a manner that the description
8 is clearly visible.

9 “(e) RESPONSIBILITIES OF ORGANIZATIONS.—

10 “(1) COLLECTION AND STORAGE.—An Organi-
11 zation of responsible parties for beverages sold in
12 beverage containers shall facilitate collection and
13 storage of beverage containers that are returned to
14 retailers under this section by providing storage or
15 other means to collect the beverage containers until
16 collection for recycling, such as reverse vending or
17 other convenient options for consumers.

18 “(2) REDEMPTION CENTERS.—

19 “(A) IN GENERAL.—An Organization of
20 responsible parties for beverages sold in bev-
21 erage containers shall establish and operate fa-
22 cilities to accept beverage containers from con-
23 sumers.

24 “(B) REQUIREMENTS.—A facility estab-
25 lished under subparagraph (A) shall—

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

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

5 “(II) not less than 10 hours each
6 day;

7 “(ii) accept—

8 “(I) any beverage container; and

9 “(II) not less than 350 beverage
10 containers per person per day; and

11 “(iii) provide—

12 “(I) hand or automated counts
13 conducted by staff of the facility;

14 “(II) a drop door for consumers
15 to drop off bags of mixed beverage
16 containers for staff of the facility to
17 count, for which the facility may col-
18 lect a convenience fee; or

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

23 “(3) CURBSIDE COLLECTION.—An Organization
24 may pay an entity that collects curbside recycling
25 the value of the applicable refund value under sub-

1 section (c) for beverage containers collected, based
2 on weight or another measurement that approxi-
3 mates the amount of the refunds, as negotiated by
4 the Organization and the entity.

5 “(f) EXCLUDED STATES.—

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

9 “(A) has in effect a beverage container law
10 before the date of enactment of this subtitle;
11 and

12 “(B) enacts legislation after the date of en-
13 actment of this subtitle to update the beverage
14 container law described in subparagraph (A) to
15 be consistent with the refund value amounts
16 under, and beverage containers covered by, this
17 part.

18 “(2) COMPLIANCE WITH STATE LAW.—In the
19 case of an eligible State, compliance with the law of
20 the eligible State by a distributor, retailer, manufac-
21 turer, importer, or Organization shall be considered
22 to be compliance with this section.

23 “(3) CONFORMITY.—An eligible State is en-
24 couraged to negotiate with relevant Organizations on
25 updated features of the beverage container law of

1 the eligible State, such as sharing new revenue from
2 increased deposits.

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

4 “(a) IN GENERAL.—Not later than February 1,
5 2023, each Organization shall submit to the Administrator
6 a Product Stewardship Plan that describes how the Orga-
7 nization will carry out the responsibilities of the Organiza-
8 tion under this part.

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

11 “(1) contact information for the Organization
12 submitting the Plan;

13 “(2) a list of participating responsible parties
14 and brands covered by the applicable Program, in-
15 cluding organization structure for each responsible
16 party; and

17 “(3) a description of—

18 “(A) each category of covered product or
19 beverage sold in a beverage container covered
20 by the Plan;

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

24 “(C) performance targets under subsection
25 (g);

1 “(D) the means by which each type of cov-
2 ered product or beverage container will be col-
3 lected in accordance with section 12103 or
4 12104, as applicable, to meet—

5 “(i) the consumer convenience and ge-
6 ographic coverage standards for collection
7 under this part; and

8 “(ii) the performance targets under
9 subsection (g);

10 “(E) consumer education plans in accord-
11 ance with section 12106;

12 “(F) a customer service process, such as a
13 process for answering citizen or customer ques-
14 tions and resolving issues;

15 “(G) sound management practices for
16 worker health and safety;

17 “(H) plans for complying with design-for-
18 environment and labeling requirements under
19 sections 12303 and 12304, respectively;

20 “(I) the means by which responsible par-
21 ties will work with, improve, and fund existing
22 recycling, composting, litter cleanup, and dis-
23 posal programs and infrastructure;

24 “(J) any plans to transition to reusable
25 covered products;

1 “(K) the process to consider and establish
2 innovative means to increase collection of cov-
3 ered products;

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

6 “(M) the means by which responsible par-
7 ties will consult with the Federal Government,
8 State and local governments, and any other im-
9 portant stakeholders; and

10 “(N) plans for market development.

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

14 “(1) approve or deny the Plan; and

15 “(2) notify the applicable Organization of the
16 determination of the Administrator under paragraph
17 (1).

18 “(d) IMPLEMENTATION.—Beginning on August 1,
19 2023, not later than 60 days after receiving a notification
20 of approval of a Plan under subsection (c)(2), the applica-
21 ble Organization shall begin implementation of the Plan.

22 “(e) EXPIRATION.—A Plan—

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

25 “(2) may be renewed.

1 “(f) REVISIONS.—The Administrator may require a
2 revision to a Plan before the expiration date of the Plan
3 if—

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

6 “(2) there is a change in circumstances that
7 otherwise warrants a revision.

8 “(g) PERFORMANCE TARGETS.—

9 “(1) IN GENERAL.—Each Plan shall contain
10 achievable performance targets for the collection and
11 recycling of the applicable covered product or bev-
12 erage container in accordance with section 12103 or
13 12104, as applicable.

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

17 “(A) by December 31, 2027—

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

20 “(ii) 75 percent of all beverage con-
21 tainers and paper covered products recy-
22 cled; and

23 “(iii) 50 percent of all industrially
24 compostable covered products composted;

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

4 “(C) by such dates as the Administrator
5 determines to be appropriate after December
6 31, 2030, such percentage of covered products
7 for which packaging shall be eliminated or that
8 shall be offered in reusable packaging as the
9 Administrator determines to be appropriate;
10 and

11 “(D) by December 31, 2032—

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

14 “(ii) 90 percent of all beverage con-
15 tainers and paper covered products recy-
16 cled; and

17 “(iii) 70 percent of all industrially
18 compostable covered products composted.

19 “(3) LABELING RESTRICTION.—A responsible
20 party for a covered product shall not include on the
21 covered product a label claiming that the covered
22 product is recyclable or compostable if the covered
23 product does not satisfy the performance targets
24 under paragraph (2).

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

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

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

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

9 “(3) how to prevent litter of covered products
10 and beverage containers; and

11 “(4) recycling and composting instructions that
12 are—

13 “(A) consistent nationwide, except as nec-
14 essary to take into account differences among
15 State and local laws;

16 “(B) easy to understand; and

17 “(C) easily accessible, including accessi-
18 bility in multiple languages to reach a diverse
19 ethnic population.

20 “(b) ACTIVITIES.—Outreach and education under
21 subsection (a) shall—

22 “(1) be designed to achieve the management
23 goals of covered products and beverage containers
24 under this part, including the prevention of contami-
25 nation by covered products and beverage containers
26 in other management systems or in other materials;

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

3 “(3) include, at a minimum—

4 “(A) consulting on education, outreach,
5 and communications with the advisory com-
6 mittee of the applicable Organization and other
7 stakeholders;

8 “(B) coordinating with and assisting local
9 municipal programs, municipal contracted pro-
10 grams, solid waste collection companies, and
11 other entities providing services to the Pro-
12 gram;

13 “(C) developing and providing outreach
14 and education to the diverse ethnic populations
15 of the United States through translated and
16 culturally appropriate materials, including in-
17 language and targeted outreach;

18 “(D) establishing consumer websites and
19 mobile applications that provide information
20 about methods to prevent covered product and
21 beverage container pollution and how consumers
22 may access and use collection services;

23 “(E) working with Program participants to
24 label covered products and beverage containers
25 with information to assist consumers in respon-

1 sibly managing covered product and beverage
2 container waste; and

3 “(F) determining the effectiveness of out-
4 reach, education, communications, and conven-
5 ience of services through periodic surveys of
6 consumers.

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

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

15 “(2) develop information that may be used to
16 improve outreach and education efforts under this
17 section.

18 **“SEC. 12107. REPORTING.**

19 “(a) IN GENERAL.—An Organization shall annually
20 make available on a publicly available website a report that
21 contains—

22 “(1) with respect to covered products or bev-
23 erages in beverage containers sold or imported by
24 members of the Organization, a description of, at a
25 minimum—

1 “(A) the quantity of covered products or
2 beverage containers sold or imported and col-
3 lected, by submaterial type and State, for the
4 year covered by the report and each prior year;

5 “(B) management of the covered products
6 or beverage containers, including recycling
7 rates, by submaterial type, for the year covered
8 by the report and each prior year;

9 “(C) data on the final destination and
10 quantity of reclaimed covered products or bev-
11 erage containers, by submaterial type, including
12 the form of any covered products or beverage
13 containers exported;

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

16 “(E) collection service vendors and collec-
17 tion locations, including—

18 “(i) the geographic distribution of col-
19 lection;

20 “(ii) distance to population centers;

21 “(iii) hours;

22 “(iv) actions taken to reduce barriers
23 to collection by expanding curbside collec-
24 tion or facilitating drop-offs; and

1 “(v) frequency of collection avail-
2 ability;

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

6 “(G) the quantity of covered products that
7 have been eliminated or replaced by reusable
8 packaging, delineated by submaterial type and
9 State, for the year covered by the report and
10 for each prior year for which a report was sub-
11 mitted;

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

14 “(3) expenses of the Organization;

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

17 “(5) customer service efforts and results;

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

20 “(7) the status of packaging innovation and de-
21 sign characteristics to prevent littering, make cov-
22 ered products or beverage containers reusable or re-
23 fillable, or reduce overall covered product and bev-
24 erage container waste; and

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

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

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

9 “(1) collection and recycling to provide an ac-
10 counting of the collection and recycling of covered
11 products and beverage containers that are not pro-
12 duced by a responsible party or an Organization;
13 and

14 “(2) covered products and beverage containers
15 of brand names found in litter to provide for an ac-
16 counting of covered products and other litter that
17 continues to create pollution.

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

22 “(1) the effect of this part on costs incurred by
23 State and local governments for the management
24 and cleanup of covered products and beverage con-
25 tainers; and

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

4 **“PART II—REDUCTION OF SINGLE-USE**
5 **PRODUCTS**

6 **“SEC. 12201. PROHIBITION ON SINGLE-USE PLASTIC CARRY-**
7 **OUT BAGS.**

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

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

12 “(A) made of plastic; and

13 “(B) provided by a covered retail or service
14 establishment to a customer at the point of
15 sale, home delivery, the check stand, cash reg-
16 ister, or other point of departure to a customer
17 for use to transport, deliver, or carry away pur-
18 chases.

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

21 “(A) a bag that is subject to taxation
22 under section 4056 of the Internal Revenue
23 Code of 1986;

24 “(B) a bag that—

1 “(i) is made a material other than
2 plastic film;

3 “(ii) is woven or nonwoven nylon,
4 polypropylene, polyethylene-terephthalate,
5 or Tyvek in a quantity less than 80 grams
6 per square meter;

7 “(iii) has handles that are stitched
8 and not heat-fused; and

9 “(iv) is machine washable; or

10 “(C) a covered product that is—

11 “(i) used by a consumer inside a
12 store—

13 “(I) to package bulk items, such
14 as fruit, vegetables, nuts, grains,
15 candy, unwrapped prepared foods or
16 bakery goods, or small hardware
17 items; or

18 “(II) to contain or wrap—

19 “(aa) prepackaged or non-
20 prepackaged frozen foods, meat,
21 or fish; or

22 “(bb) flowers, potted plants,
23 or other items the dampness of
24 which may require the use of the
25 nonhandled bag;

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

4 “(iii) a newspaper bag;

5 “(iv) a door hanger bag; or

6 “(v) a laundry or dry cleaning bag.

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

10 “(c) ENFORCEMENT.—

11 “(1) WRITTEN NOTIFICATION FOR FIRST VIO-
12 LATION.—If a covered retail or service establishment
13 violates subsection (b), the Administrator shall pro-
14 vide that covered retail or service establishment with
15 written notification regarding the violation of the re-
16 quirement under that subsection.

17 “(2) SUBSEQUENT VIOLATIONS.—

18 “(A) IN GENERAL.—If a covered retail or
19 service establishment, subsequent to receiving a
20 written notification described in paragraph (1),
21 violates subsection (b), the Administrator shall
22 fine the covered retail or service establishment
23 in accordance with subparagraph (B).

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

4 “(i) in the case of the first violation,
5 \$250;

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

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

10 “(C) SEIZURE.—On a third violation or
11 any subsequent violation under this paragraph
12 by a covered retail or service establishment, the
13 Administrator may seize any single-use plastic
14 bags in the possession of the covered retail or
15 service establishment.

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

21 “(3) STATE ENFORCEMENT.—The Adminis-
22 trator may permit a State to carry out enforcement
23 under this subsection if the Administrator deter-
24 mines that the State meets such requirements as the
25 Administrator may establish.

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

3 **“SEC. 12202. REDUCTION OF OTHER SINGLE-USE PROD-**
4 **UCTS.**

5 “(a) PROHIBITION ON PLASTIC UTENSILS AND PLAS-
6 TIC STRAWS.—

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

10 “(2) PLASTIC STRAWS.—

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

14 “(i) except as provided in clause (ii),
15 may not provide a plastic straw to a cus-
16 tomer;

17 “(ii) shall provide a plastic straw to a
18 customer who requests a plastic straw;

19 “(iii) shall provide accessible means of
20 communication, across all ordering plat-
21 forms used by the covered retail or service
22 establishment (such as online, mobile, and
23 in-person), for customers to request a plas-
24 tic straw; and

1 “(iv) shall keep in stock plastic straws
2 for customers who request plastic straws.

3 “(B) EFFECTIVE FUNCTIONAL EQUIVA-
4 LENTS.—If the Administrator, in consultation
5 with the National Council on Disability and ad-
6 vocates representing the disability and environ-
7 mental communities, determines that an effec-
8 tive functional equivalent to a plastic straw that
9 can be recycled, composted, or disposed with
10 minimal harm to the environment has been de-
11 veloped—

12 “(i) subparagraph (A) shall no longer
13 apply; and

14 “(ii) a covered retail or service estab-
15 lishment may not provide a plastic straw to
16 a customer.

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

20 “(3) NONPLASTIC ALTERNATIVES.—A covered
21 retail or service establishment may provide, dis-
22 tribute, or sell a reusable, compostable, or recyclable
23 alternative to a plastic utensil or plastic straw
24 only—

25 “(A) on request of a customer;

1 “(B) in the case of a compostable or recy-
2 clable alternative, if composting or recycling, as
3 applicable, for the item is provided and locally
4 accessible; and

5 “(C) effective beginning on February 1,
6 2023, if the alternative does not contain a toxic
7 substance.

8 “(b) PROHIBITION ON OTHER SINGLE-USE PROD-
9 UCTS.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graphs (3) and (4), a covered retail or service estab-
12 lishment may not sell or distribute any single-use
13 product that the Administrator determines is not re-
14 cyclable or compostable and can be replaced by a re-
15 usable or refillable item.

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

18 “(A) expanded polystyrene for use in food
19 service products, disposable consumer coolers,
20 or shipping packaging;

21 “(B) single-use personal care products,
22 such as miniature bottles containing shampoo,
23 soap, and lotion that are provided at hotels or
24 motels;

25 “(C) noncompostable produce stickers; and

1 “(D) such other products that the Admin-
2 istrator determines by regulation to be appro-
3 priate.

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

9 “(4) TEMPORARY WAIVER.—The Administrator
10 may grant a temporary waiver of not more than 1
11 year from the prohibition under paragraph (1) for
12 the use of expanded polystyrene in shipping pack-
13 aging to protect a product of high value if a viable
14 alternative to expanded polystyrene is not available.

15 “(c) ENFORCEMENT.—

16 “(1) WRITTEN NOTIFICATION FOR FIRST VIO-
17 LATION.—If a covered retail or service establishment
18 violates subsection (a) or (b), the Administrator
19 shall provide that covered retail or service establish-
20 ment with written notification regarding the viola-
21 tion of the requirement under that subsection.

22 “(2) SUBSEQUENT VIOLATIONS.—

23 “(A) IN GENERAL.—If any covered retail
24 or service establishment, subsequent to receiv-
25 ing a written notification described in para-

graph (1), violates subsection (a) or (b), the Administrator shall fine the covered retail or service establishment in accordance with subparagraph (B).

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

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

“(ii) in the case of the second violation, \$500; and

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

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

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

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

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

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

10 “(a) STUDY.—Not later than 2 years after the date
 11 of enactment of this subtitle, the Administrator, in con-
 12 junction with the Commissioner of Food and Drugs and
 13 the Director of the National Institutes of Health, shall
 14 conduct a study on—

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

17 “(2) the environmental impacts of electronic
 18 cigarettes, including disposable components of elec-
 19 tronic cigarettes.

20 “(b) REPORT TO CONGRESS.—

21 “(1) IN GENERAL.—Not later than 180 days
 22 after the date on which the study under subsection
 23 (a) is concluded, the Administrator, in conjunction
 24 with the Commissioner of Food and Drugs, shall
 25 submit to the committees described in paragraph (2)

1 a report describing recommendations to establish a
2 program to reduce litter from, and the environ-
3 mental impacts of, single-use tobacco filter products
4 and electronic cigarettes.

5 “(2) COMMITTEES.—The committees referred
6 to in paragraph (1) are—

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

9 “(B) the Committee on Environment and
10 Public Works of the Senate;

11 “(C) the Committee on Commerce,
12 Science, and Transportation of the Senate; and

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

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

19 “(1) the report; and

20 “(2) a description of the actions the Adminis-
21 trator and the Commissioner of Food and Drugs in-
22 tend to take during the 1-year period after the date
23 of publication to reduce litter from, and the environ-
24 mental impacts of, single-use tobacco filter products
25 and electronic cigarettes, including recommendations

1 for incorporating plastic tobacco filters and elec-
2 tronic cigarette components into an extended pro-
3 ducer responsibility program.

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

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

6 “The Administrator, in consultation with Organiza-
7 tions, State and local governments, and affected stake-
8 holders, shall issue guidance to standardize recycling and
9 composting collection across communities and States.

10 **“SEC. 12302. REQUIREMENTS FOR THE PRODUCTION OF**
11 **PRODUCTS CONTAINING RECYCLED CON-**
12 **TENT.**

13 “(a) PLASTIC BEVERAGE CONTAINERS.—

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 the Administrator shall require each responsible
16 party for plastic beverage containers to make the
17 plastic beverage containers—

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

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

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

1 “(D) by 2040, of 80 percent post-consumer
2 recycled content from United States sources;
3 and

4 “(E) by such dates thereafter as the Ad-
5 ministrator shall establish, such percentages of
6 post-consumer recycled content from United
7 States sources as the Administrator determines
8 by a rule to be appropriate.

9 “(2) ADJUSTMENT.—After consideration of the
10 results of the study under subsection (b)(1), the Ad-
11 ministrator may issue regulations to modify 1 or
12 more of the percentages described in subparagraphs
13 (A) through (D) of paragraph (1).

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

19 “(b) OTHER COVERED PRODUCTS AND BEVERAGE
20 CONTAINERS.—

21 “(1) STUDY.—The Administrator, in coordina-
22 tion with the Director of the National Institute of
23 Standards and Technology, the Commissioner of
24 Food and Drugs, and the head of any other relevant
25 Federal agency, shall carry out a study to determine

1 the technical and safe minimum post-consumer recycled content requirements for covered products and
2 recycled content requirements for covered products and
3 beverage containers, including beverage containers
4 composed of glass, aluminum, and other materials.

5 “(2) REPORT.—

6 “(A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this subtitle, the
8 Administrator shall submit to Congress a report
9 describing the results of the study under paragraph (1), including—
10 graph (1), including—

11 “(i) an estimate of the current and
12 projected consumption of covered products
13 and use of beverage containers in the
14 United States;

15 “(ii) an estimate of current and projected future recycling rates of covered
16 products and beverage containers in the
17 United States;
18 United States;

19 “(iii) an assessment of techniques and
20 recommendations to minimize the creation
21 of new materials for covered products and
22 beverage containers; and

23 “(iv) an assessment of—

24 “(I) post-consumer recycled content standards for covered products
25

1 and beverage containers that are tech-
2 nologically feasible; and

3 “(II) the impact of the standards
4 described in subclause (I) on recycling
5 rates of covered products and bev-
6 erage containers.

7 “(B) PUBLICATION.—On submission of the
8 report under subparagraph (A) to Congress, the
9 Administrator shall publish in the Federal Reg-
10 ister for public comment—

11 “(i) the report; and

12 “(ii) a description of the actions the
13 Administrator intends to take during the
14 1-year period after the date of publication
15 in the Federal Register to establish min-
16 imum post-consumer recycled content
17 standards for covered products and bev-
18 erage containers.

19 “(3) MINIMUM STANDARDS.—

20 “(A) IN GENERAL.—Not later than 1 year
21 after the Administrator publishes the report
22 under paragraph (2)(B), the Administrator
23 shall establish minimum post-consumer recycled
24 content standards for covered products and bev-
25 erage containers.

1 “(B) REQUIREMENT.—The standards es-
2 tablished under subparagraph (A) shall increase
3 the percentage by which covered products and
4 beverage containers shall be composed of post-
5 consumer recycled content over a time period
6 established by the Administrator.

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

8 “(a) IN GENERAL.—The Administrator shall require
9 each responsible party for covered products and beverage
10 containers to design the covered products and beverage
11 containers to minimize the environmental and health im-
12 pacts of the covered products and beverage containers.

13 “(b) REQUIREMENTS.—In designing covered prod-
14 ucts and beverage containers in accordance with sub-
15 section (a), to minimize the impacts of extraction, manu-
16 facture, use, and end-of-life management, a responsible
17 party shall consider—

18 “(1) eliminating or reducing the quantity of
19 material used;

20 “(2) effective beginning on February 1, 2023,
21 eliminating toxic substances;

22 “(3) eliminating or reducing mixed-polymer and
23 mixed-material packaging;

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

1 “(5) designing for reuse, refill, and lifespan ex-
2 tension;

3 “(6) incorporating recycled materials;

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

6 “(8) incorporating sustainably and renewably
7 sourced material;

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

11 “(10) degradability of materials in cold-water
12 environments; and

13 “(11) improving recyclability and
14 compostability.

15 “(c) ENFORCEMENT.—

16 “(1) IN GENERAL.—If the Administrator deter-
17 mines that a responsible party for covered products
18 or beverage containers has not designed covered
19 products or beverage containers in accordance with
20 subsection (b), the Administrator—

21 “(A) in the case of the first violation, shall
22 provide that responsible party with written noti-
23 fication regarding the violation of the require-
24 ment under that subsection; and

1 “(B) in the case of any subsequent viola-
 2 tion, may impose on the responsible party a fine
 3 in an amount of not more than \$70,117, as de-
 4 termined by the Administrator, for each viola-
 5 tion.

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

11 **“SEC. 12304. PRODUCT LABELING.**

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

14 “(1) are easy to read; and

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

17 “(A) recyclable;

18 “(B) not recyclable;

19 “(C) compostable; or

20 “(D) reusable;

21 “(3) in the case of a covered product or bev-
 22 erage container that is not recyclable, does not in-
 23 clude the universal chasing arrows recycling symbol
 24 or any other similar symbol that would lead a con-

1 sumer to believe that the item should be sorted for
2 recycling;

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

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

9 “(6) in the case of a covered product or bev-
10 erage container that is compostable, includes a green
11 or brown stripe or similar marking to identify that
12 the item is compostable; and

13 “(7) in the case of a covered wipe product (as
14 defined in subsection (a) of section 12305), satisfy
15 the requirements under the regulations issued under
16 subsection (b) of that section.

17 “(b) STANDARDIZED LABELS.—Not later than 2
18 years after the date of enactment of this subtitle, the Ad-
19 ministrator shall establish or approve a standardized label
20 for each category of covered product and beverage con-
21 tainer to be used by responsible parties under subsection
22 (a).

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

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

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

5 “(d) COMPATIBILITY.—The Administrator shall en-
6 courage label manufacturers, in coordination with the sup-
7 ply chains of those manufacturers, including substrate
8 suppliers, converters, and ink suppliers, to work with the
9 recycling industry to address label recycling compatibility
10 challenges.

11 “(e) ENFORCEMENT.—

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

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

23 “(3) INJUNCTIVE RELIEF.—The Administrator
24 may bring a civil action to enjoin the sale, distribu-
25 tion, or importation into the United States of a cov-

1 ered product or beverage sold in a beverage con-
2 tainer in violation of this section.

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

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

9 “(a) DEFINITIONS.—In this section:

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

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

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

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

23 “(3) COVERED WIPE PRODUCT.—

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

4 “(i) that is marketed as a baby wipe
5 or diapering wipe; or

6 “(ii) that—

7 “(I) is composed entirely, or in
8 part, of petrochemical-derived fibers;
9 and

10 “(II) has significant potential to
11 be flushed.

12 “(B) INCLUSIONS.—The term ‘covered
13 wipe product’ includes—

14 “(i) antibacterial wipes and dis-
15 infecting wipes;

16 “(ii) wipes intended for general pur-
17 pose cleaning or bathroom cleaning, includ-
18 ing toilet cleaning and hard surface clean-
19 ing; and

20 “(iii) wipes intended for personal care
21 use on the body, including hand sanitizing,
22 makeup removal, feminine hygiene, adult
23 hygiene (including incontinence hygiene),
24 and body cleansing.

25 “(4) HIGH CONTRAST.—

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

4 “(i) is light on a solid dark back-
5 ground or dark on a solid light back-
6 ground; and

7 “(ii) has a contrast percentage of at
8 least 70 percent between that symbol or
9 label notice and the background, using the
10 formula described in subparagraph (B).

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

14 “(i) the quotient obtained by divid-
15 ing—

16 “(I) the difference between—

17 “(aa) the light reflectance
18 value of a lighter area; and

19 “(bb) the light reflectance
20 value of a darker area; by

21 “(II) the light reflectance value
22 of the lighter area described in sub-
23 clause (I)(aa); and

24 “(ii) 100.

1 “(5) LABEL NOTICE.—The term ‘label notice’
2 means the written phrase ‘Do Not Flush’.

3 “(6) PRINCIPAL DISPLAY PANEL.—The term
4 ‘principal display panel’ means the side of a product
5 package—

6 “(A) that is most likely to be displayed,
7 presented, or shown under customary conditions
8 of display for retail sale; and

9 “(B)(i) in the case of a cylindrical or near-
10 cylindrical package, the surface area of which
11 constitutes at least 40 percent of the product
12 package, as measured by multiplying the height
13 by the circumference of the package; or

14 “(ii) in the case of a flexible film package
15 in which a rectangular prism or near-rectan-
16 gular prism stack of wipes is housed within the
17 film, the surface area of which is measured by
18 multiplying the length by the width of the side
19 of the package when the flexible packaging film
20 is pressed flat against the stack of wipes on all
21 sides of the stack.

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

23 “(A) the ‘Do Not Flush’ symbol, as de-
24 picted in the Guidelines for Assessing the
25 Flushability of Disposable Nonwoven Products

1 (Edition 4; May 2018) published by the Asso-
2 ciation of the Nonwoven Fabrics Industry and
3 the European Disposables And Nonwovens As-
4 sociation; or

5 “(B) a symbol otherwise identical to the
6 symbol described in subparagraph (A) depicting
7 an individual of another gender.

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

13 “(c) REQUIREMENTS.—

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

19 “(A) the symbol and label notice on the
20 principal display panel in a location reasonably
21 visible to the user each time a wipe is dis-
22 pensed; or

23 “(B) the symbol on the principal display
24 panel and the label notice, or a combination of
25 the label notice and symbol, on a flip lid in a

1 manner that covers at least 8 percent of the
2 surface area of the flip lid.

3 “(2) FLEXIBLE FILM PACKAGING.—In issuing
4 regulations under subsection (b), the Administrator
5 shall require a covered wipe product sold in flexible
6 film packaging, and intended to dispense individual
7 wipes, to have—

8 “(A) the symbol on the principal display
9 panel and, if the principal display panel is not
10 on the dispensing side of the packaging, on the
11 dispensing side panel; and

12 “(B) the label notice on the principal dis-
13 play panel or the dispensing side panel, in a
14 prominent location reasonably visible to the
15 user each time a wipe is dispensed.

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

24 “(4) PACKAGING NOT INTENDED TO DISPENSE
25 INDIVIDUAL WIPES.—In issuing regulations under

1 subsection (b), the Administrator shall require a cov-
2 ered wipe product sold in packaging that is not in-
3 tended to dispense individual wipes to have the sym-
4 bol and label notice on the principal display panel in
5 a prominent location reasonably visible to the user
6 of the covered wipe product.

7 “(5) BULK PACKAGING.—

8 “(A) IN GENERAL.—In issuing regulations
9 under subsection (b), the Administrator shall
10 require a covered wipe product sold in bulk at
11 retail to have labeling in compliance with those
12 regulations on both the outer packaging visible
13 at retail and the individual packaging contained
14 within the outer packaging.

15 “(B) EXEMPTION.—The Administrator
16 shall exempt from the requirements under sub-
17 paragraph (A) the following:

18 “(i) Individually packaged covered
19 wipe products that—

20 “(I) are contained within outer
21 packaging;

22 “(II) are not intended to dis-
23 pense individual wipes; and

24 “(III) have no retail labeling.

1 “(ii) Outer packaging that does not
2 obscure the symbol and label notice on in-
3 dividually packaged covered wipe products
4 contained within.

5 “(6) PACKAGING OF COMBINED PRODUCTS.—

6 “(A) OUTER PACKAGING.—In issuing regu-
7 lations under subsection (b), the Administrator
8 shall exempt the outer packaging of a combined
9 product from the requirements of those regula-
10 tions.

11 “(B) PACKAGES LESS THAN 3 BY 3
12 INCHES.—In issuing regulations under sub-
13 section (b), the Administrator shall provide
14 that, with respect to a covered wipe product in
15 packaging smaller than 3 inches by 3 inches
16 (such as an individually packaged wipe in tear-
17 top packaging) and sold as part of a combined
18 product, if a symbol and label notice are placed
19 in a prominent location reasonably visible to the
20 user of the covered wipe product, that covered
21 wipe product shall be considered to be labeled
22 clearly and conspicuously in accordance with
23 those regulations.

24 “(d) REASONABLE VISIBILITY OF SYMBOL AND
25 LABEL NOTICE.—

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

4 “(A) packaging seams or folds or other
5 packaging design elements do not obscure the
6 symbol or label notice;

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

10 “(C) except as provided in paragraph (3),
11 the symbol and label notice have high contrast
12 with the immediate background of the pack-
13 aging such that the symbol and label notice
14 may be seen and read by an ordinary individual
15 under customary conditions of purchase and
16 use.

17 “(2) PROXIMITY OF SYMBOL AND LABEL NO-
18 TICE.—In requiring the symbol and label notice
19 under this section, the Administrator may allow a
20 symbol and label notice on a principal display panel
21 to be placed adjacently or on separate areas of the
22 principal display panel.

23 “(3) EXCEPTION.—Paragraph (1)(C) shall not
24 apply to an embossed symbol or label notice on the

1 flip lid of a covered wipe product sold in cylindrical
2 or near-cylindrical packaging.

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

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

14 “(g) COMPLIANCE WITH OTHER REQUIREMENTS.—

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

21 “(A) Instructions describing how such a
22 covered wipe product may comply with the re-
23 quirements of that Act and the regulations
24 issued under subsection (b).

1 “(B) A requirement that, not later than 90
2 days after the date on which regulations are
3 issued under subsection (b), a covered entity
4 shall submit for approval by the Administrator
5 a product label compliant with the instructions
6 under subparagraph (A).

7 “(2) TYPE SIZE.—

8 “(A) FIFRA.—In issuing regulations
9 under subsection (b), the Administrator shall
10 require, in the case of a covered wipe product
11 described in paragraph (1) that (by operation of
12 requirements under the Federal Insecticide,
13 Fungicide, and Rodenticide Act (7 U.S.C. 136
14 et seq.) with respect to a pesticide in that cov-
15 ered wipe product) is required to display a
16 warning, if the requirements of those regula-
17 tions would result in a type size for a label no-
18 tice on the principal display panel of that cov-
19 ered wipe product larger than that warning,
20 that the type size for the label notice shall be
21 equal to or greater than the type size required
22 for the ‘keep out of reach of children’ statement
23 under that Act.

24 “(B) FHSA.—In issuing regulations under
25 subsection (b), the Administrator shall ensure

1 that if a covered wipe product is subject to a
2 labeling requirement under section 2(p)(1) of
3 the Federal Hazardous Substances Act (15
4 U.S.C. 1261(p)(1)) and the requirements of
5 those regulations would result in a type size for
6 a label notice larger than first aid instructions
7 required under that section, the type size for
8 the label notice shall be equal to or greater than
9 the type size required for those first aid instruc-
10 tions.

11 “(h) APPLICABILITY.—The Administrator shall pro-
12 vide that the regulations issued under subsection (b) shall
13 apply with respect to covered wipe products manufactured
14 on or after the date that is 90 days after the date on which
15 those regulations are issued.

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

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

21 “(2) In no event may the total amount of fines
22 imposed for a single violation of this section exceed
23 \$100,000.

1 **“SEC. 12306. RECYCLING AND COMPOSTING RECEPTACLE**
2 **LABELING.**

3 “(a) PURPOSE.—The purpose of this section is to es-
4 tablish guidelines for a national standardized labeling sys-
5 tem for the development of labels for recycling and
6 composting receptacles that use a methodology that is con-
7 sistent throughout the United States to assist members
8 of the public in properly recycling and composting.

9 “(b) DEFINITIONS.—In this section:

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

14 “(2) RECYCLING OR COMPOSTING RECEP-
15 TACLE.—The term ‘recycling or composting recep-
16 tacle’ means a recycling or composing bin, cart, or
17 dumpster.

18 “(3) RESIDENTIAL RECYCLING AND
19 COMPOSTING PROGRAM.—The term ‘residential recy-
20 cling and composting program’ means a recycling
21 and composting program that services single family
22 dwellings, multifamily dwellings or facilities, or both.

23 “(c) GUIDELINES.—Not later than 2 years after the
24 date of enactment of this subtitle, the Administrator shall
25 develop and publish guidelines for a national standardized

1 labeling system for an Organization to use to develop la-
2 bels that—

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

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

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

12 “(A) the specific recyclables and
13 compostables that the Organization accepts;
14 and

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

17 “(d) DEVELOPMENT OF LABELS.—

18 “(1) IN GENERAL.—Each Organization in the
19 United States shall, in accordance with the guide-
20 lines published under subsection (e), use the national
21 standardized labeling system to develop labels for
22 use on recycling and composting receptacles in pub-
23 lic spaces and the service area of the Organization
24 to communicate to users of those recycling and
25 composting receptacles—

1 “(A) the specific recyclables and
2 compostables that the Organization accepts;
3 and

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

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

9 “(A) a simple version of the label for use
10 on recycling and composting receptacles used in
11 public spaces, which shall list the basic
12 recyclables and compostables that the Organiza-
13 tion accepts; and

14 “(B) a detailed version of the label for use
15 on recycling and composting receptacles used as
16 part of a residential recycling and composting
17 program, taking into consideration the com-
18 plexity of the packaging and products disposed
19 of by single family dwellings and multifamily
20 dwellings and facilities.

21 “(e) DISTRIBUTION OF LABELS.—

22 “(1) SIMPLE VERSION.—

23 “(A) IN GENERAL.—An Organization shall
24 distribute the simple version of the label devel-
25 oped by that Organization under subsection

1 (d)(2)(A) to each customer of that Organization
2 that owns or operates a public space in the
3 service area of the Organization.

4 “(B) QUANTITY.—The quantity of labels
5 distributed to an owner or operator of a public
6 space under subparagraph (A) shall be reason-
7 ably sufficient to ensure that a label may be
8 placed on each recycling and composting recep-
9 tacle in that public space.

10 “(C) ADDITIONAL LABELS.—If the quan-
11 tity of labels distributed under subparagraph
12 (B) is insufficient, an Organization shall make
13 available to owners and operators described in
14 subparagraph (A) additional labels to purchase
15 or download.

16 “(D) REQUIREMENT OF OWNERS AND OP-
17 ERATORS.—An owner or operator of a public
18 space that receives labels under subparagraph
19 (A) shall display the labels on the recycling and
20 composting receptacles in that public space.

21 “(2) DETAILED VERSION.—An Organization or
22 municipality, as applicable, that services a residen-
23 tial recycling and composting program in the area
24 served by an Organization shall display a detailed
25 standardized label developed by that Organization

1 under subsection (d)(2)(B) on each recycling and
2 composting receptacle used by the residential recycling and composting program.

4 **“SEC. 12307. PROHIBITION ON CERTAIN EXPORTS OF**
5 **WASTE.**

6 “No person may export from the United States plastic waste, plastic parings, or scraps of plastic—

8 “(1) to a country that is not a member of the
9 Organization for Economic Cooperation and Development;
10

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

15 “(A) are not of a single, nonhalogenated
16 plastic polymer;

17 “(B) are contaminated with greater than
18 0.5 percent of—

19 “(i) other plastics; or

20 “(ii) other materials, including—

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

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

1 “(C) are to be re-exported to a country
2 that is not a member of the Organization for
3 Economic Cooperation and Development; or
4 “(3) that are contaminated with—
5 “(A) hazardous chemicals;
6 “(B) effective beginning on February 1,
7 2023, toxic substances; or
8 “(C) other substances, to the extent that
9 the export becomes hazardous waste.

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

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

12 “Nothing in this subtitle or section 4056 of the Inter-
13 nal Revenue Code of 1986 preempts any State or local
14 law in effect on or after the date of enactment of this sub-
15 title that—

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

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

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

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

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

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

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

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

14 “(2) implementing source reduction solutions.

15 **“PART V—REDUCTION OF OTHER SOURCES OF**
16 **PLASTIC POLLUTION**

17 **“SEC. 12501. STUDY AND ACTION ON DERELICT FISHING**
18 **GEAR.**

19 “(a) REPORT.—Not later than 2 years after the date
20 of enactment of this subtitle, the Under Secretary of Com-
21 merce for Oceans and Atmosphere (referred to in this sec-
22 tion as the ‘Under Secretary’) shall submit to the Com-
23 mittee on Commerce, Science, and Transportation and the
24 Committee on Environment and Public Works of the Sen-

1 ate and the Committee on Natural Resources of the House
2 of Representatives a report that includes—

3 “(1) an analysis of the scale of fishing gear
4 losses by United States and foreign fisheries, includ-
5 ing—

6 “(A) the variance in the quantity of gear
7 lost among—

8 “(i) domestic and foreign fisheries;

9 “(ii) types of fishing gear; and

10 “(iii) methods of fishing;

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

13 “(C) common reasons that fishing gear is
14 lost;

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

18 “(A) types of fishing gear;

19 “(B) materials used to construct fishing
20 gear; and

21 “(C) geographic location;

22 “(3) recommendations on management meas-
23 ures—

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

1 “(B) to reduce the impacts of lost fishing
2 gear;

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

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

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

11 “(1) the report; and

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

16 **“SEC. 12502. MANDATORY FILTRATION STANDARD FOR**
17 **CLOTHES WASHERS.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) BUILT-IN FILTRATION UNIT.—The term
20 ‘built-in filtration unit’ means a required filtration
21 unit that is built into a newly manufactured clothes
22 washer.

23 “(2) COMMERCIAL CLOTHES WASHING BUSI-
24 NESS.—The term ‘commercial clothes washing busi-
25 ness’ means a business establishment containing 1

1 or more clothes washers, including self-service
2 clothes cleaning establishments.

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

7 “(4) REQUIRED FILTRATION UNIT.—The term
8 ‘required filtration unit’ means a filtration unit that
9 has a mesh size of not greater than 100 microm-
10 eters.

11 “(5) RETROFIT FILTRATION UNIT.—The term
12 ‘retrofit filtration unit’ means a required filtration
13 unit that—

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

15 “(B) may be retrofit onto an existing
16 clothes washer.

17 “(b) FILTRATION UNITS REQUIRED.—

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

20 “(A) IN GENERAL.—The Administrator
21 shall ensure that—

22 “(i) not later than January 1, 2023,
23 each government-contracted commercial
24 clothes washer has a required filtration
25 unit; and

1 “(ii) not later than January 1, 2024,
2 each commercial clothes washer and indus-
3 trial clothes washer has a required filtra-
4 tion unit.

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

7 “(i) the installation of a retrofit filtra-
8 tion unit on a previously purchased clothes
9 washer; or

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

12 “(2) GENERAL REQUIREMENT.—The Adminis-
13 trator shall ensure that all new clothes washers, in-
14 cluding residential clothes washers, sold in interstate
15 commerce in the United States on and after January
16 1, 2025, have built-in filtration units.

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

18 “(1) GOVERNMENT-CONTRACTED CLOTHES
19 WASHERS.—The Administrator shall coordinate
20 funding among other Federal agencies to ensure
21 that the Federal Government meets the requirement
22 under subsection (b)(1)(A)(i).

23 “(2) COMMERCIAL AND INDUSTRIAL CLOTHES
24 WASHERS.—The Administrator may provide low-in-
25 terest or forgivable loans to commercial clothes

1 washing businesses to meet the requirement under
2 subsection (b)(1)(A)(ii).

3 “(3) INDIVIDUALS.—The Administrator may
4 provide grants, low-interest loans, or some combina-
5 tion of grants and low-interest loans to low-income
6 individuals to assist low-income individuals in replac-
7 ing a clothes washer without a built-in filtration unit
8 with a clothes washer that has a built-in filtration
9 unit.

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

13 **“SEC. 12503. STUDY AND ACTION ON MICROFIBER POLLU-**
14 **TION REDUCTION.**

15 “(a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this subtitle, the Administrator, in
17 consultation with the heads of relevant Federal agencies,
18 shall establish a competitive grant program to provide
19 grants to eligible entities described in subsection (c) to
20 carry out microfiber pollution reduction projects in accord-
21 ance with this section.

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

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

4 “(A) during—

5 “(i) the production of textiles;

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

7 “(iii) the washing and cleaning of tex-
8 tiles; and

9 “(B) with a focus on increasing the use of
10 recycled fibers.

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

13 “(A) washing machines; or

14 “(B) wastewater treatment plants.

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

17 “(1) an institution of higher education;

18 “(2) a nonprofit organization;

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

20 “(4) a for-profit organization;

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

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

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

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

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

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

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

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

22 “(1) to remove microplastics from the environ-
23 ment; and

24 “(2) to prevent the release of microplastics into
25 the environment.

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

3 “(1) natural infrastructure;

4 “(2) green infrastructure (as defined in section
5 502 of the Federal Water Pollution Control Act (33
6 U.S.C. 1362)); and

7 “(3) mechanical removal systems (such as
8 pumps) and filtration technologies.

9 “(d) ELIGIBLE PILOT PROGRAM LOCATIONS.—In
10 carrying out the pilot program, the Administrator may
11 carry out projects located in—

12 “(1) stormwater systems;

13 “(2) wastewater treatment facilities;

14 “(3) drinking water systems;

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

17 “(5) roadways, highways, and other streets
18 used for vehicular travel.

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

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

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

3 “(f) REPORTS.—

4 “(1) INITIAL REPORT.—Not later than 180
5 days after the date of enactment of this subtitle, the
6 Administrator shall submit to Congress a report de-
7 scribing the outreach conducted under subsection
8 (e).

9 “(2) SUBSEQUENT REPORT.—Not later than 3
10 years after the date on which the Administrator es-
11 tablishes the pilot program, the Administrator shall
12 submit to Congress a report describing the effective-
13 ness of projects carried out under the pilot program.

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

17 **“SEC. 12505. GRANT PROGRAM TO SUPPORT INNOVATION**
18 **IN PACKAGING REDUCTION AND REUSE.**

19 “(a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this subtitle, the Administrator shall
21 establish a competitive grant program (referred to in this
22 section as the ‘program’) to provide grants to eligible enti-
23 ties described in subsection (c) to carry out pilot-scale
24 packaging reduction or reuse projects in accordance with
25 this section.

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

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

7 “(A) cleaning materials;

8 “(B) bulk food products; and

9 “(C) beverages.

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

12 “(3) Expanding consumer knowledge of reuse
13 and refill programs.

14 “(4) Otherwise eliminating or reducing the use
15 of single-use plastic bags, as determined by the Ad-
16 ministrator.

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

19 “(1) an institution of higher education;

20 “(2) a nonprofit organization;

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

22 “(4) a for-profit organization; or

23 “(5) a public-private partnership.

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

7 “(e) REPORT.—Not later than 3 years after the date
8 on which the Administrator establishes the program, the
9 Administrator shall submit to Congress a report describ-
10 ing the effectiveness of the projects carried out under the
11 program.

17 "SEC. 12506. REPORT ON REUSE AND REFILL PRODUCT DE-
18 LIVERY SYSTEMS.

24 “(1) Food service, including—

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1 “(B) delivery of prepared meals; and

2 “(C) meal kits.

3 “(2) Consumer food and beverage products.

4 “(3) Consumer cleaning products.

5 “(4) Consumer personal care products.

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

8 “(6) Other sectors, as identified by the Admin-
9 istrator.

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

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

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

16 “(3) economic costs and benefits for—

17 “(A) the businesses that deploy reuse and
18 refill technologies; and

19 “(B) the parties responsible for waste col-
20 lection and management; and

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

24 (b) CLERICAL AMENDMENT.—The table of contents
25 for the Solid Waste Disposal Act (Public Law 89–272; 79

- 1 Stat. 997) is amended by inserting after the item relating
- 2 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 cigarettes.

“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—

18 “(i) any restaurant (as defined in sec-
19 tion 12001 of the Solid Waste Disposal
20 Act), or

21 “(ii) any business which—

22 “(I) sells food, alcohol, or any
23 other good or product to the public at
24 retail, or

1 “(II) elects to comply with the
2 requirements under this section.

3 “(B) EXCEPTION.—

4 “(i) IN GENERAL.—For purposes of
5 this section, the term ‘applicable entity’
6 shall not include any entity described in
7 subparagraph (A) if the State, or any local
8 government or political subdivision thereof,
9 in which such entity is located has been
10 granted a waiver pursuant to clause (ii).

11 “(ii) WAIVER.—The Secretary shall
12 prescribe rules providing for the waiver of
13 application of this section with respect to
14 any State, or any local government or po-
15 litical subdivision thereof, which has en-
16 acted a tax or fee on the provision of car-
17 ryout bags which is similar to the tax im-
18 posed under this section.

19 “(2) CARRYOUT BAG.—

20 “(A) IN GENERAL.—The term ‘carryout
21 bag’ means a bag of any material that is pro-
22 vided to a consumer at the point of sale to
23 carry or cover purchases, merchandise, or other
24 items.

1 “(B) EXCEPTIONS.—Such term shall not
2 include any product described in section
3 12201(a)(2)(C) of the Solid Waste Disposal
4 Act.

5 “(e) BAG TAX STATED SEPARATELY ON RECEIPT.—
6 The tax imposed by subsection (a) shall be separately stat-
7 ed on the receipt of sale provided to the customer.

8 “(f) EXCEPTIONS.—The tax imposed under sub-
9 section (a) shall not apply to any carryout bag that is pro-
10 vided to a customer as part of a transaction in which the
11 customer is purchasing any item using benefits received
12 under the supplemental nutrition assistance program es-
13 tablished under the Food and Nutrition Act of 2008 (7
14 U.S.C. 2011 et seq.) or the supplemental nutrition pro-
15 gram for women, infants, and children authorized under
16 section 17 of the Child Nutrition Act of 1966 (42 U.S.C.
17 1786).

18 “(g) PENALTIES.—

19 “(1) WRITTEN NOTIFICATION FOR FIRST VIO-
20 LATION.—If any applicable entity fails to collect the
21 tax imposed under subsection (a) or satisfy the re-
22 quirements under subsection (e), the Secretary shall
23 provide such entity with written notification regard-
24 ing the violation of the requirements under such
25 subsections.

1 “(2) SUBSEQUENT VIOLATIONS.—

2 “(A) IN GENERAL.—If any applicable enti-
3 ty, subsequent to receiving a written notifica-
4 tion described in paragraph (1), fails to collect
5 the tax imposed under subsection (a) or satisfy
6 the requirements under subsection (e), such en-
7 tity shall pay a penalty in addition to the tax
8 imposed under this section.

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

12 “(i) in the case of the first violation,
13 \$250,

14 “(ii) in the case of the second viola-
15 tion, \$500, and

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

18 “(C) LIMITATION.—In the case of any ap-
19 plicable entity with less than \$1,000,000 in
20 total revenue for the year preceding the imposi-
21 tion of any penalty under this paragraph, any
22 such penalty may not be imposed under this
23 paragraph more than once during any 7-day pe-
24 riod.

1 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion or any regulations promulgated under this section
 3 shall preempt, limit, or supersede, or be interpreted to pre-
 4 empt, limit, or supersede—

5 “(1) any law or regulation relating to any tax
 6 or fee on carryout bags which is imposed by a State
 7 or local government entity, or any political subdivi-
 8 sion, agency, or instrumentality thereof, or

9 “(2) any additional fees imposed by any appli-
 10 cable entity on carryout bags provided to its cus-
 11 tomers.”.

12 (b) CARRYOUT BAG CREDIT PROGRAM.—Subchapter
 13 B of chapter 65 of such Code is amended by adding at
 14 the end the following new section:

15 **“SEC. 6431. CARRYOUT BAG CREDIT PROGRAM.**

16 “(a) ALLOWANCE OF CREDIT.—If—

17 “(1) tax has been imposed under section 4056
 18 on any carryout bag,

19 “(2) an applicable entity provides such bag to
 20 a customer in a point of sale transaction, and

21 “(3) such entity has kept and can produce
 22 records for purposes of this section and section 4056
 23 that include—

24 “(A) the total number of carryout bags
 25 provided to customers for which the tax was im-

1 posed under section 4056(a) and the amounts
2 passed through to customers for such bags pur-
3 suant to section 4056(e), and

4 “(B) the total number of bags for which a
5 refund was provided to customers pursuant to
6 a carryout bag credit program,

7 the Secretary shall pay (without interest) to such entity
8 an amount equal to the applicable amount for each bag
9 provided by such entity in connection with a point of sale
10 transaction.

11 “(b) APPLICABLE AMOUNT.—For purposes of sub-
12 section (a), the applicable amount is an amount equal to—

13 “(1) in the case of an applicable entity that has
14 established a carryout bag credit program, \$0.10,
15 and

16 “(2) in the case of an applicable entity that has
17 not established a carryout bag credit program,
18 \$0.04.

19 “(c) CARRYOUT BAG CREDIT PROGRAM.—For pur-
20 poses of this section, the term ‘carryout bag credit pro-
21 gram’ means a program established by an applicable entity
22 which—

23 “(1) for each bag provided by the customer to
24 package any items purchased from the applicable en-

1 tity, such entity refunds such customer \$0.05 for
 2 each such bag from the total cost of their purchase,
 3 “(2) separately states the amount of such re-
 4 fund on the receipt of sale provided to the customer,
 5 and

6 “(3) prominently advertises such program at
 7 each entrance and checkout register of the applicable
 8 entity.

9 “(d) DEFINITIONS.—For purposes of this section, the
 10 terms ‘applicable entity’ and ‘carryout bag’ have the same
 11 meanings given such terms under section 4056(d).”.

12 (c) ESTABLISHMENT OF TRUST FUND.—Subchapter
 13 A of chapter 98 of such Code is amended by adding at
 14 the end the following:

15 **“SEC. 9512. REDUCTION, RECYCLING, AND LITTER CLEAN-**
 16 **UP TRUST FUND.**

17 “(a) CREATION OF TRUST FUND.—There is estab-
 18 lished in the Treasury of the United States a trust fund
 19 to be known as the ‘Reduction, Recycling, and Litter
 20 Cleanup Trust Fund’ (referred to in this section as the
 21 ‘Trust Fund’), consisting of such amounts as may be ap-
 22 propriated or credited to the Trust Fund as provided in
 23 this section or section 9602(b).

24 “(b) TRANSFERS TO TRUST FUND.—There is hereby
 25 appropriated to the Trust Fund amounts equivalent to—

1 “(1) the amounts received in the Treasury pur-
2 suant to section 4056; and

3 “(2) the amounts determined by the Secretary
4 to be equivalent to the amounts of fees collected
5 under section 12303(c) of the Solid Waste Disposal
6 Act.

7 “(c) EXPENDITURES FROM TRUST FUND.—Amounts
8 in the Trust Fund shall be available, as provided by appro-
9 priation Acts, for—

10 “(1) making payments under section 6431,

11 “(2) making grants for—

12 “(A) reusable carryout bags, and

13 “(B) recycling, reuse, and composting in-
14 frastructure and litter cleanup, and

15 “(3) carrying out the grant program to support
16 innovation in packaging reduction and reuse under
17 section 12505 of the Solid Waste Disposal Act.”.

18 (d) STUDY.—Not later than the date which is 18
19 months after the date of enactment of this Act, the Comp-
20 troller General of the United States shall conduct a study
21 on the effectiveness of sections 4056, 6431, and 9512 of
22 the Internal Revenue Code of 1986 (as added by this Act)
23 at reducing the use of carryout bags and encouraging the
24 use of reusable bags. The report shall address—

1 (1) the use of plastic or paper single-use carry-
2 out bags during the period preceding the enactment
3 of such sections,

4 (2) the effect of such sections on the citizens
5 and residents of the United States, including—

6 (A) the percentage reduction in the use of
7 plastic or paper single-use carryout bags as a
8 result of the enactment of such sections,

9 (B) the opinion among citizens and resi-
10 dents of the United States regarding the effect
11 of such sections, disaggregated by race and in-
12 come level, and

13 (C) the amount of substitution between
14 other types of plastic bags for single-use carry-
15 out bags,

16 (3) measures that the Comptroller General de-
17 termines may increase the effectiveness of such sec-
18 tions, including the amount of tax imposed on each
19 carryout bag, and

20 (4) any effects, both positive and negative, on
21 United States businesses as a result of the enact-
22 ment of such sections, including costs, storage space,
23 and changes in paper bag usage.

24 The Comptroller General shall submit a report of such
25 study to the Committee on Ways and Means of the House

1 of Representatives and the Committee on Finance of the
2 Senate.

3 (e) CLERICAL AMENDMENTS.—

4 (1) The table of subchapters for chapter 31 of
5 such Code is amended by inserting after the item re-
6 lating to subchapter C the following new item:

“Subchapter D. Carryout bags.”.

7 (2) The table of sections for subchapter B of
8 chapter 65 of such Code is amended by adding at
9 the end the following new item:

“Sec. 6431. Carryout bag credit program.”.

10 (3) The table of sections for subchapter A of
11 chapter 98 of such Code is amended by adding at
12 the end the following new item:

“Sec. 9512. Reduction, recycling, and litter cleanup trust fund.”.

13 (f) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on January 1, 2023.

15 **SEC. 4. CLEAN AIR, CLEAN WATER, AND ENVIRONMENTAL**
16 **JUSTICE.**

17 (a) DEFINITIONS.—In this section:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Environ-
20 mental Protection Agency.

21 (2) COVERED FACILITY.—The term “covered
22 facility” means—

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

4 (B) a plastic polymerization or polymer
5 production facility;

6 (C) an industrial facility that repolymerizes
7 plastic polymers into chemical feedstocks for
8 use in new products or as fuel; and

9 (D) an industrial facility that generates
10 fuel or energy from plastic polymers through
11 waste-to-fuel technology, an incinerator, or
12 other similar technology, as determined by the
13 Administrator.

14 (3) COVERED PRODUCTS.—The term “covered
15 plastic” means—

16 (A) ethylene;

17 (B) propylene;

18 (C) polyethylene in any form (including
19 pellets, resin, nurdle, powder, and flakes);

20 (D) polypropylene in any form (including
21 pellets, resin, nurdle, powder, and flakes);

22 (E) polyvinyl chloride in any form (includ-
23 ing pellets, resin, nurdle, powder, and flakes);
24 or

1 (F) other plastic polymer raw materials in
2 any form (including pellets, resin, nurdle, pow-
3 der, and flakes).

4 (4) ENVIRONMENTAL JUSTICE.—The term “en-
5 vironmental justice” means the fair treatment and
6 meaningful involvement of all individuals, regardless
7 of race, color, national origin, educational level, or
8 income, with respect to the development, implemen-
9 tation, and enforcement of environmental laws, regu-
10 lations, and policies to ensure that—

11 (A) communities of color, indigenous com-
12 munities, and low-income communities have ac-
13 cess to public information and opportunities for
14 meaningful public participation with respect to
15 human health and environmental planning, regu-
16 lations, and enforcement;

17 (B) no community of color, indigenous
18 community, or low-income community is ex-
19 posed to a disproportionate burden of the nega-
20 tive human health and environmental impacts
21 of pollution or other environmental hazards;
22 and

23 (C) the 17 principles described in the docu-
24 ment entitled “The Principles of Environmental
25 Justice”, written and adopted at the First Na-

1 tional People of Color Environmental Leader-
2 ship Summit held on October 24 through 27,
3 1991, in Washington, DC, are upheld.

4 (5) FENCELINE MONITORING.—The term
5 “fenceline monitoring” means continuous, real-time
6 monitoring of ambient air quality around the entire
7 perimeter of a facility.

8 (6) FRONTLINE COMMUNITY.—

9 (A) IN GENERAL.—The term “frontline
10 community” means a community located near a
11 covered facility that has experienced systemic
12 socioeconomic disparities or other forms of in-
13 justice.

14 (B) INCLUSIONS.—The term “frontline
15 community” includes a low-income community,
16 a community that includes indigenous peoples,
17 and a community of color.

18 (7) MATERIAL RECOVERY FACILITY.—The term
19 “material recovery facility” means a solid waste
20 management facility that processes materials for
21 reuse or recycling.

22 (8) RENEWABLE ENERGY.—The term “renew-
23 able energy” means energy supplied by a project
24 that uses wind, solar, geothermal, wave, current,
25 tidal, or ocean thermal energy to generate electricity.

1 (9) SECRETARY.—The term “Secretary” means
2 the Secretary of the Army, acting through the Chief
3 of Engineers.

4 (10) SINGLE-USE PLASTIC.—

5 (A) IN GENERAL.—The term “single-use
6 plastic” means a plastic product or packaging
7 that is routinely disposed of, recycled, or other-
8 wise discarded after a single use.

9 (B) EXCLUSIONS.—The term “single-use
10 plastic” does not include—

11 (i) medical food, supplements, devices,
12 or other products determined by the Sec-
13 retary of Health and Human Services to
14 necessarily be made of plastic for the pro-
15 tection of public health; or

16 (ii) packaging that is—

17 (I) for any product described in
18 clause (i); or

19 (II) used for the shipment of
20 hazardous materials that is prohibited
21 from being composed of used mate-
22 rials under section 178.509 or section
23 178.522 of title 49, Code of Federal
24 Regulations (as in effect on the date
25 of enactment of this Act).

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

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

5 (B) ending on the date that is the first
6 date on which all regulations required under
7 subsections (d) and (e) are in effect.

8 (12) ZERO-EMISSIONS ENERGY.—

9 (A) IN GENERAL.—The term “zero-emis-
10 sions energy” means renewable energy the pro-
11 duction of which emits no greenhouse gases at
12 the production source.

13 (B) EXCLUSIONS.—The term “zero-emis-
14 sions energy” does not include any energy gen-
15 erated by—

16 (i) a waste-to-energy technology;

17 (ii) an incinerator; or

18 (iii) any other similar technology, as
19 determined by the Administrator.

20 (b) TEMPORARY PAUSE.—

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

24 (A) the Administrator shall not issue a
25 new permit for a covered facility under—

1 (i) the Clean Air Act (42 U.S.C. 7401
2 et seq.); or

3 (ii) the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1251 et seq.);

5 (B) the Secretary shall not issue a new
6 permit for a covered facility under section 404
7 of the Federal Water Pollution Control Act (33
8 U.S.C. 1344);

9 (C) the Administrator shall object in writ-
10 ing under subsections (b) and (c) of section 505
11 of the Clean Air Act (42 U.S.C. 7661d) or sec-
12 tion 402(d)(2) of the Federal Water Pollution
13 Control Act (33 U.S.C. 1342(d)(2)), as applica-
14 ble, to any new permit issued to a covered facil-
15 ity by a State agency delegated authority under
16 the Clean Air Act (42 U.S.C. 7401 et seq.) or
17 the Federal Water Pollution Control Act (33
18 U.S.C. 1251 et seq.); and

19 (D) subject to subsection (g), the export of
20 covered products is prohibited.

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

24 (A) a material recovery facility; or

25 (B) a compost facility.

1 (c) STUDY.—

2 (1) IN GENERAL.—

3 (A) AGREEMENT.—The Administrator
4 shall offer to enter into an agreement with the
5 National Academy of Sciences and the National
6 Institutes of Health to conduct a study of—

7 (i) the existing and planned expansion
8 of the industry of the producers of covered
9 products, including the entire supply chain,
10 the extraction and refining of feedstocks,
11 end uses, disposal fate, and lifecycle im-
12 pacts of covered products;

13 (ii) the environmental justice and pol-
14 lution impacts of covered facilities and the
15 products of covered facilities;

16 (iii) the existing standard technologies
17 and practices of covered facilities with re-
18 spect to the discharge and emission of pol-
19 lutants into the environment; and

20 (iv) the best available technologies
21 and practices that reduce or eliminate the
22 environmental justice and pollution im-
23 pacts of covered facilities and the products
24 of covered facilities.

1 (B) FAILURE TO ENTER AGREEMENT.—If
2 the Administrator fails to enter into an agree-
3 ment described in subparagraph (A), the Ad-
4 ministrator shall conduct the study described in
5 that subparagraph.

6 (2) REQUIREMENTS.—The study under para-
7 graph (1) shall—

8 (A) consider—

9 (i) the direct, indirect, and cumulative
10 environmental impacts of the industries of
11 covered facilities to date; and

12 (ii) the impacts of the planned expan-
13 sion of those industries, including local, re-
14 gional, national, and international air,
15 water, waste, climate change, public health,
16 and environmental justice impacts of those
17 industries; and

18 (B) recommend technologies, standards,
19 and practices to remediate or eliminate the
20 local, regional, national, and international air,
21 water, waste, climate change, public health, and
22 environmental justice impacts of covered facili-
23 ties and the industries related to covered facili-
24 ties.

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

5 (d) CLEAN AIR.—

6 (1) TIMELY REVISION OF EMISSIONS STAND-
7 ARDS.—Section 111(b)(1)(B) of the Clean Air Act
8 (42 U.S.C. 7411(b)(1)(B)) is amended by striking
9 the fifth sentence.

10 (2) NATIONAL SOURCE PERFORMANCE STAND-
11 ARDS IMPLEMENTATION IMPROVEMENTS.—

12 (A) ZERO-EMISSIONS ENERGY.—Not later
13 than 3 years after the date of enactment of this
14 Act, the Administrator shall promulgate a final
15 rule requiring that—

16 (i) covered facilities that manufacture
17 olefins, including ethylene and propylene,
18 use only zero-emissions energy sources, ex-
19 cept to the extent that waste gases are re-
20 cycled; and

21 (ii) covered facilities that manufacture
22 low-density polyethylene, linear low-density
23 polyethylene, high-density polyethylene,
24 styrene, vinyl chloride, or synthetic organic
25 fibers use only zero-emissions energy

1 sources, except to the extent that waste
2 gases are recycled, unless the Adminis-
3 trator—

4 (I) determines that under certain
5 conditions (such as during the com-
6 mencement or shut down of produc-
7 tion at a covered facility), expendi-
8 tures of energy that are not from
9 zero-emissions energy sources are re-
10 quired; and

11 (II) publishes the determination
12 under subclause (I) and a proposed
13 mixture of zero-emissions energy and
14 non-zero-emissions energy for those
15 conditions in a rulemaking.

16 (B) NEW SOURCE PERFORMANCE STAND-
17 ARDS FOR CERTAIN FACILITIES.—Not later
18 than 3 years after the date of enactment of this
19 Act, the Administrator shall promulgate a final
20 rule—

21 (i) designating ethylene, propylene,
22 polyethylene, and polypropylene production
23 facilities as a category of stationary source
24 under section 111(b)(1)(A) of the Clean
25 Air Act (42 U.S.C. 7411(b)(1)(A)); and

1 (ii) establishing new source perform-
2 ance standards for the category of sta-
3 tionary source designated under clause (i)
4 under section 111(f)(1) of the Clean Air
5 Act (42 U.S.C. 7411(f)(1)).

6 (C) STORAGE VESSELS FOR COVERED
7 PRODUCTS.—Not later than 3 years after the
8 date of enactment of this Act, the Adminis-
9 trator shall promulgate a final rule modifying
10 section 60.112b(a) of title 40, Code of Federal
11 Regulations (as in effect on the date of enact-
12 ment of this Act), to ensure that an owner or
13 operator of a storage vessel containing liquid
14 with a vapor pressure of equal to or more than
15 5 millimeters of mercury under actual storage
16 conditions that is regulated under that section
17 uses—

18 (i) an internal floating roof tank con-
19 nected to a volatile organic compound con-
20 trol device; or

21 (ii) a fixed-roof tank connected to a
22 volatile organic compound control device.

23 (D) FLARING.—Not later than 30 days
24 after the date of enactment of this Act, the Ad-
25 ministrators shall promulgate a final rule—

(i) modifying title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that flaring, either at ground-level or elevated, shall only be permitted when necessary solely for safety reasons; and

(ii) modifying sections 60.112b(a)(3)(ii), 60.115b(d)(1), 60.482–10a(d), 60.662(b), 60.702(b), and 60.562–1(a)(1)(i)(C) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that—

(I) references to flare standards under those sections refer to the flare standards established under clause (i); and

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

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

(i) modifying section 60.482–1a of title 40, Code of Federal Regulations (as

1 in effect on the date of enactment of this
2 Act), to ensure that owners and operators
3 use process units and components with a
4 leak-less or seal-less design;

5 (ii) modifying section 60.482–1a(f) of
6 title 40, Code of Federal Regulations (as
7 in effect on the date of enactment of this
8 Act), to ensure that owners and operators
9 use optical gas imaging monitoring pursu-
10 ant to section 60.5397a of title 40, Code of
11 Federal Regulations (as in effect on the
12 date of enactment of this Act), on a quar-
13 terly basis, unless the owner or operator
14 receives approval from the Administrator
15 in writing to use Method 21 of the Envi-
16 ronmental Protection Agency (as described
17 in appendix A–7 of part 60 of title 40,
18 Code of Federal Regulations (as in effect
19 on the date of enactment of this Act)) with
20 a repair threshold of 500 parts per million;

21 (iii) modifying 60.482–6a of title 40,
22 Code of Federal Regulations (as in effect
23 on the date of enactment of this Act), to
24 ensure that the use of open-ended valves or
25 lines is prohibited except if a showing is

1 made that the use of an open-ended valve
2 or line is necessary for safety reasons; and

3 (iv) modifying subpart VVa of part 60
4 of title 40, Code of Federal Regulations
5 (as in effect on the date of enactment of
6 this Act) to ensure that—

7 (I) the term “no detectable emis-
8 sions” is defined to mean an instru-
9 ment reading of less than 50 parts
10 per million above background con-
11 centrations; and

12 (II) the term “leak” is defined to
13 mean an instrument reading of great-
14 er than or equal to 50 parts per mil-
15 lion above background concentrations.

16 (F) NATURAL-GAS FIRED STEAM BOIL-
17 ERS.—Not later than 3 years after the date of
18 enactment of this Act, the Administrator shall
19 promulgate a final rule revising subpart Db of
20 part 60 of title 40, Code of Federal Regulations
21 (as in effect on the date of enactment of this
22 Act), to ensure that boilers or heaters located
23 at an affected covered facility regulated under
24 that subpart may only burn gaseous fuels, not
25 solid fuels or liquid fuels.

1 (G) MONITORING.—Not later than 3 years
2 after the date of enactment of this Act, the Ad-
3 ministrator shall promulgate a final rule revis-
4 ing subparts DDD, NNN, RRR, and other rel-
5 evant subparts of part 60 of title 40, Code of
6 Federal Regulations (as in effect on the date of
7 enactment of this Act)—

8 (i) to require continuous emissions
9 monitoring of nitrogen oxides, sulfur diox-
10 ide, carbon monoxide, and filterable partic-
11 ulate matter for all combustion devices ex-
12 cept for non-enclosed flares, including dur-
13 ing startups, shutdowns, and malfunctions
14 of the facilities regulated by those sub-
15 parts;

16 (ii) to require—

17 (I) accurate and continuous rec-
18 ordkeeping when continuous moni-
19 toring is required under clause (i);
20 and

21 (II) the records required under
22 subclause (I) to be made available to
23 the public; and

24 (iii) to require fenceline monitoring
25 under section 63.658 of title 40, Code of

1 Federal Regulations (as in effect on the
2 date of enactment of this Act), for nitrogen
3 oxides, sulfur dioxide, carbon monoxide, fil-
4 terable and condensable particulate matter,
5 and all other relevant hazardous air pollut-
6 ants.

7 (3) NATIONAL EMISSION STANDARDS FOR HAZ-
8 ARDOUS AIR POLLUTANTS IMPLEMENTATION IM-
9 PROVEMENTS.—

10 (A) EQUIPMENT LEAKS OF BENZENE.—

11 Not later than 3 years after the date of enact-
12 ment of this Act, the Administrator shall pro-
13 mulgate a final rule modifying section 61.112
14 of title 40, Code of Federal Regulations (as in
15 effect on the date of enactment of this Act)
16 that strikes subsection (c).

17 (B) BENZENE WASTE OPERATIONS.—Not
18 later than 3 years after the date of enactment
19 of this Act, the Administrator shall promulgate
20 a final rule modifying subpart FF of part 61 of
21 title 40, Code of Federal Regulations (as in ef-
22 fect on the date of enactment of this Act), to
23 ensure that—

24 (i) the term “no detectable emissions”
25 is defined to mean an instrument reading

1 of less than 50 parts per million above
2 background concentrations; and

3 (ii) the term “leak” is defined to
4 mean an instrument reading of greater
5 than or equal to 50 parts per million above
6 background concentrations.

7 (C) MAXIMUM ACHIEVABLE CONTROL
8 TECHNOLOGY STANDARDS FOR COVERED FA-
9 CILITIES.—Not later than 3 years after the
10 date of enactment of this Act, the Adminis-
11 trator shall—

12 (i) promulgate a final rule modifying
13 subpart YY of part 63 of title 40, Code of
14 Federal Regulations (as in effect on the
15 date of enactment of this Act), to ensure
16 that—

17 (I) the generic maximum achiev-
18 able control technology standards de-
19 scribed in that subpart—

20 (aa) require no detectable
21 emissions of hazardous air pollut-
22 ants, unless the Administrator—

23 (AA) determines that
24 the maximum degree of re-
25 duction in emissions of haz-

1 ardous air pollutants achiev-
2 able pursuant to section
3 112(d)(2) of the Clean Air
4 Act (42 U.S.C. 7412(d)(2))
5 justifies higher limits; and
6 (BB) publishes the de-
7 termination under subitem
8 (AA) and the proposed high-
9 er limits in a rulemaking;
10 (bb) ensure an ample mar-
11 gin of safety to protect public
12 health and prevent an adverse
13 environmental effect; and
14 (cc) prevent adverse cumu-
15 lative effects to fetal health, the
16 health of children, and the health
17 of vulnerable subpopulations; and
18 (II) the term “no detectable
19 emissions”, as required under sub-
20 clause (I)(aa), is defined to mean an
21 instrument reading of less than 50
22 parts per million above background
23 concentrations; and
24 (ii) in promulgating the final rule re-
25 quired in clause (i)(I), consider—

1 (I) the effects and risks of expo-
2 sure from multiple sources of haz-
3 ardous air pollutants under the sub-
4 part modified under that clause; and

5 (II) the best available science, in-
6 cluding science provided by the Na-
7 tional Academies of Science.

8 (e) CLEAN WATER.—

9 (1) REVISED EFFLUENT LIMITATION GUIDE-
10 LINES FOR THE ORGANIC CHEMICAL, PLASTICS, AND
11 SYNTHETIC FIBERS INDUSTRIAL CATEGORY.—

12 (A) BAT AND NSPS STANDARDS FOR PLAS-
13 TIC POLYMER PRODUCTION.—Not later than 3
14 years after the date of enactment of this Act,
15 the Administrator shall promulgate a final
16 rule—

17 (i) that ensures that the best available
18 technology limitations described in part
19 414 of title 40, Code of Federal Regula-
20 tions (as modified under clause (ii)) applies
21 to covered facilities that produce fewer
22 than 5,000,001 pounds of covered products
23 per year;

24 (ii) modifying part 414 of title 40,
25 Code of Federal Regulations (as in effect

1 on the date of enactment of this Act), to
2 ensure that the best available technology
3 and new source performance standard re-
4 quirements under that part reflect updated
5 best available technology and best available
6 demonstrated control technology for all
7 pollutants discharged by covered facilities
8 that produce covered products, including
9 pollutants of concern that are not regu-
10 lated on the date of enactment of this Act;
11 and

12 (iii) modifying sections 414.91(b),
13 414.101(b), and 414.111(b) of title 40,
14 Code of Federal Regulations (as in effect
15 on the date of enactment of this Act) to
16 ensure that—

17 (I) for new source performance
18 standards for applicable covered facili-
19 ties producing covered products, the
20 maximum effluent limit for any 1 day
21 and for any monthly average for the
22 priority pollutants described in appen-
23 dix A to part 423 of title 40, Code of
24 Federal Regulations (as in effect on
25 the date of enactment of this Act), is

1 0 milligrams per liter unless the Ad-
2 ministrator—

3 (aa) determines that higher
4 limits are justified using best
5 available demonstrated control
6 technology; and

7 (bb) publishes the deter-
8 mination under item (aa) and the
9 proposed higher limits in a rule-
10 making; and

11 (II) for best available technology
12 and new source performance stand-
13 ards, the maximum effluent limit for
14 any 1 day and for any monthly aver-
15 age for total plastic pellets and other
16 plastic material is 0 milligrams per
17 liter.

18 (B) EFFLUENT LIMITATIONS FOR WASTE-
19 WATER, SPILLS, AND RUNOFF FROM PLASTIC
20 POLYMER PRODUCTION FACILITIES, PLASTIC
21 MOLDING AND FORMING FACILITIES, AND
22 OTHER POINT SOURCES ASSOCIATED WITH THE
23 TRANSPORT AND PACKAGING OF PLASTIC PEL-
24 LETS OR OTHER PRE-PRODUCTION PLASTIC MA-
25 TERIALS.—Not later than 60 days after the

1 date of enactment of this Act, the Adminis-
2 trator shall promulgate a final rule to ensure
3 that—

4 (i) the discharge of plastic pellets or
5 other pre-production plastic materials (in-
6 cluding discharge into wastewater and
7 other runoff) from facilities regulated
8 under part 414 or 463 of title 40, Code of
9 Federal Regulations (as in effect on the
10 date of enactment of this Act), is prohib-
11 ited;

12 (ii) the discharge of plastic pellets or
13 other pre-production plastic materials (in-
14 cluding discharge into wastewater and
15 other runoff) from a point source (as de-
16 fined in section 502 of the Federal Water
17 Pollution Control Act (33 U.S.C. 1362))
18 that makes, uses, packages, or transports
19 those plastic pellets and other pre-produc-
20 tion plastic materials is prohibited; and

21 (iii) the requirements under clauses
22 (i) and (ii) are reflected in—

23 (I) all wastewater, stormwater,
24 and other permits issued by the Ad-
25 ministrator and State-delegated pro-

1 grams under section 402 of the Fed-
2 eral Water Pollution Control Act (33
3 U.S.C. 1342) to facilities and other
4 point sources (as defined in section
5 502 of that Act (33 U.S.C. 1362))
6 that make, use, package, or transport
7 plastic pellets or other pre-production
8 plastic materials, as determined by
9 the Administrator, in addition to
10 other applicable limits and standards;
11 and

12 (II) all standards of performance
13 promulgated under section 312(p) of
14 the Federal Water Pollution Control
15 Act (33 U.S.C. 1322(p)) that are ap-
16 plicable to point sources (as defined in
17 section 502 of that Act (33 U.S.C.
18 1362)) that make, use, package, or
19 transport plastic pellets or other pre-
20 production plastic materials, as deter-
21 mined by the Administrator.

22 (2) REVISED EFFLUENT LIMITATIONS GUIDE-
23 LINES FOR ETHYLENE AND PROPYLENE PRODUC-
24 TION.—

1 (A) BAT AND NSPS STANDARDS.—Not
2 later than 3 years after the date of enactment
3 of this Act, the Administrator shall promulgate
4 a final rule—

5 (i) modifying sections 419.23, 419.26,
6 419.33, and 419.36 of title 40, Code of
7 Federal Regulations (as in effect on the
8 date of enactment of this Act), to ensure
9 that the best available technology and new
10 source performance standards reflect up-
11 dated best available technology and best
12 available demonstrated control technology
13 for all pollutants discharged by covered fa-
14 cilities producing ethylene or propylene;
15 and

16 (ii) modifying sections 419.26(a) and
17 419.36(a) of title 40, Code of Federal Reg-
18 ulations (as in effect on the date of enact-
19 ment of this Act), to ensure that the new
20 source performance standards for any 1
21 day and for average of daily values for 30
22 consecutive days for the priority pollutants
23 described in appendix A to part 423 of
24 title 40, Code of Federal Regulations (as
25 in effect on the date of enactment of this

1 Act), is 0 milligrams per liter unless the
2 Administrator—

3 (I) determines that higher limits
4 are necessary based on the best avail-
5 able demonstrated control technology;
6 and

7 (II) the Administrator publishes
8 the determination under item (aa) and
9 the proposed higher limits in a rule-
10 making.

11 (B) RUNOFF LIMITATIONS FOR ETHYLENE
12 AND PROPYLENE PRODUCTION.—Not later than
13 3 years after the date of enactment of this Act,
14 the Administrator shall promulgate a final rule
15 modifying sections 419.26(e) and 419.36(e) of
16 title 40, Code of Federal Regulations (as in ef-
17 fect on the date of enactment of this Act), to
18 ensure that runoff limitations that reflect best
19 available demonstrated control technology are
20 included.

21 (f) ENVIRONMENTAL JUSTICE REQUIREMENTS FOR
22 COVERED FACILITY PERMITS.—

23 (1) IN GENERAL.—Not later than 3 years after
24 the date of enactment of this Act, the Administrator
25 shall promulgate a final rule to ensure that—

1 (A) any proposed permit to be issued by
2 the Administrator or by a State agency dele-
3 gated authority under the Clean Air Act (42
4 U.S.C. 7401 et seq.) or the Federal Water Pol-
5 lution Control Act (33 U.S.C. 1251 et seq.)
6 with respect to a covered facility is accompanied
7 by an environmental justice assessment that—

8 (i) assesses the direct and cumulative
9 economic, environmental, and public health
10 impacts of the proposed permit on front-
11 line communities; and

12 (ii) proposes changes or alterations to
13 the proposed permit that would, to the
14 maximum extent practicable, eliminate or
15 mitigate the impacts described in clause
16 (i);

17 (B) each proposed permit and environ-
18 mental justice assessment described in subpara-
19 graph (A) is delivered to applicable frontline
20 communities at the beginning of the public com-
21 ment period for the proposed permit, which
22 shall include notification—

23 (i) through direct means;

24 (ii) through publications likely to be
25 obtained by residents of the frontline com-

1 munity, including non-English language
2 publications; and

3 (iii) in the form of a public hearing in
4 the frontline community—

5 (I) for which public notice is pro-
6 vided—

7 (aa) not less than 60 days
8 before the date on which the pub-
9 lic hearing is to be held; and

10 (bb) using the means de-
11 scribed in clauses (i) and (ii);
12 and

13 (II) for which translation services
14 (as defined in section 12001 of the
15 Solid Waste Disposal Act) are pro-
16 vided; and

17 (III) that is accessible through
18 live-streaming or alternative video
19 streaming services for which trans-
20 lation services (as so defined) are pro-
21 vided;

22 (C) the Administrator or a State agency
23 delegated authority under the Clean Air Act
24 (42 U.S.C. 7401 et seq.) or the Federal Water
25 Pollution Control Act (33 U.S.C. 1251 et seq.),

1 as applicable, shall not approve a proposed per-
2 mit described in subparagraph (A) unless—

3 (i) changes or alterations have been
4 incorporated into the proposed permit that,
5 to the maximum extent practicable, elimi-
6 nate or mitigate the environmental justice
7 impacts described in subparagraph (A)(i);
8 and

9 (ii) the changes or alterations de-
10 scribed in clause (i) have been developed
11 with meaningful input from residents or
12 representatives of the frontline community
13 in which the covered facility to which the
14 proposed permit would apply is located or
15 seeks to locate;

16 (D) the Administrator or a State agency
17 delegated authority under the Clean Air Act
18 (42 U.S.C. 7401 et seq.) or the Federal Water
19 Pollution Control Act (33 U.S.C. 1251 et seq.),
20 as applicable, shall not approve a proposed per-
21 mit described in subparagraph (A) during the
22 45-day period beginning on the date on which
23 a public hearing described in subparagraph
24 (B)(iii) is held for the proposed permit; and

1 (E) the approval of a proposed permit de-
2 scribed in subparagraph (A) is conditioned on
3 the covered facility providing comprehensive
4 fenceline monitoring and response strategies
5 that fully protect public health and safety and
6 the environment in frontline communities.

7 (2) REQUIREMENT.—The Administrator shall
8 develop the final rule required under paragraph (1)
9 with input from—

10 (A) residents of frontline communities; and

11 (B) representatives of frontline commu-
12 nities.

13 (g) EXTENDED PRODUCER RESPONSIBILITY FOR
14 INTERNATIONAL PLASTIC EXPORTS.—The temporary
15 pause on the export of covered products under subsection
16 (b)(4) shall remain in place until the Secretary of Com-
17 merce promulgates a final rule that—

18 (1) requires the tracking of covered products
19 from sale to disposal;

20 (2) prohibits the export of covered products to
21 purchasers that convert those plastics into single-use
22 plastics or energy;

23 (3) requires the Secretary of Commerce, not
24 less frequently than once every 2 years and in con-
25 sultation with the Administrator and the Secretary

1 of Health and Human Services, to publish a report
2 measuring and evaluating the environmental and en-
3 vironmental justice impacts of exporting covered
4 products from sale to disposal; and

5 (4) establishes enforceable mechanisms for sell-
6 ers or purchasers of covered products to mitigate the
7 environmental and environmental justice impacts of
8 those covered products from sale to disposal.

○