



BREAK FREE FROM PLASTIC POLLUTION ACT

*Introduced by Senator Tom Udall
and Representative Alan Lowenthal*

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What You Need to Know

The American people are fed up with the plastic pollution crisis. They are demanding a bold, comprehensive response. **The Break Free From Plastic Pollution Act**, from U.S. Senator Tom Udall (D-N.M.), U.S. Representative Alan Lowenthal (D-Calif.) and U.S. Senator Jeff Merkley (D-Ore.), is the national strategy we need to tackle the tidal wave of plastic pollution and chart a new course for the future.

Plastic pollution has exploded into a global crisis that threatens our public health, economic security, and the future of our planet. Plastic pollution is everywhere – from the highest mountain peaks to the bottom of our oceans, and even inside our own bodies.

- Studies suggest that humans swallow a credit card's worth of plastic every week. Exposure to plastic toxins has been linked to cancers, birth defects, and other ailments.
- The United States disposes or incinerates 32 million tons of plastic waste each year, burdening our local government budgets and overwhelming systems to handle it. 334 thousand tons are directly littered.
- Every year, enough plastic waste – about 8 million tons – escapes into the oceans to cover each foot of coastline in the world in five garbage bags full of trash.
- Our recycling system is broken: just 8% of plastic waste in the United States is sorted for recycling. The recycling in our blue bins is often landfilled, incinerated, or shipped overseas to countries that are unable to manage this waste.
- Global plastic production will triple by 2050, accounting for 20% of global oil consumption.
- Plastic production facilities are super-polluters and a major contributor to climate change: emissions linked to plastic will reach 1.3 billion tons by 2030, equal to 300 coal-fired power plants.

The *Break Free from Plastic Pollution Act* will provide badly-needed national leadership – reducing the amount of wasteful plastic and reforming our broken waste and recycling collection system. It will shift the burden of cleanup to where it belongs: on the corporations that produce this waste:

- Require big corporations take responsibility for their pollution, requiring producers of plastic products to design, manage, and finance waste and recycling programs.
- Spur innovation, incentivizing big corporations to make reusable products and items that can actually be recycled.
- Create a nationwide beverage container refund program, which is successful at the state level.
- Reduce and ban certain single-use plastic products that are not recyclable.
- Establish minimum recycled content requirements for beverage containers, packaging, and food-service products.
- Spur massive investments in U.S. domestic recycling and composting infrastructure, while pressing pause on new plastic facilities until critical environment and health protections are put in place.

Let's come together to tackle plastic pollution with the bold action we need – before it's too late.



A Background: How We Got Here and What's Next

The crisis

Annual global production of plastic has reached 335 million tons and continues to rise. Global plastic production is projected to more than triple by 2050, accounting for 20 percent of all global oil consumption. Of the 8.3 billion metric tons of plastic produced in the past 60 years, 6.3 billion metric tons have become plastic waste.

The United States alone disposes or incinerates 32 million tons of plastic each year. Every year, enough plastic--about 8 million tons – escapes into the ocean that five trash bags would fit on every foot of coastline around the world. In addition to ocean pollution, plastic is contaminating every corner of the world, including miles above us in the rainwater sustaining Rocky Mountain National Park.

How we got here

While plastic is an important material for building a variety of products like medical devices, lighter cars and other advanced products, plastic producers have steadily designed unnecessary products that have flooded the market. These products have overwhelmed waste management systems, as many of them are not recyclable. Producers are not required to incorporate recycled content into their products and the cost of virgin plastic from cheap natural gas is far lower.

Rather than reducing the waste they create or taking responsibility for its management, producers have shifted the responsibility for managing waste to government entities whose budgets are already stretched thin. Meanwhile, industry has promoted pollution reduction strategies that put even more burden on taxpayers instead of taking responsibility themselves – emphasizing their view that the government should invest in recycling infrastructure and accept plastic items in recycling bins that will never be recycled. All of this comes at the expense of U.S. taxpayers.

Reforming Our Broken Recycling System

We cannot recycle our way out of this crisis or rely solely on the government to clean it all up. According to data from the United States Environmental Protection Agency, the US Census Bureau Trade Data and plastic industry recycling reports, the national recycling rate for plastic waste in the United States is projected to sink from 8.4 percent in 2017 to about 5 percent in 2019. Consumers have been led to believe that everything they put in their blue bin will be magically turned into a new product somewhere because items are labeled recyclable.

The truth is that the recycling in our blue bins is often landfilled, incinerated, or shipped overseas to countries that are unable to manage this waste. Before 2017, the United States was sending 4,000 shipping containers a day full of American waste to China every year. But China has changed its import policies, severely restricting the amount of contaminated and poorly sorted plastics it would accept. China's policy shift means that fewer plastic products have a recycling market. Those materials are now being landfilled, burned, or shipped to other countries who cannot manage the influx of this waste – meaning that most of it ends up burned or contaminating the ocean.

How Plastic Fuels Climate Change

The oil and gas industries are investing in unprecedented plastic expansion. The industry announced \$164 billion in investments for 264 new plastic facilities or expansion projects in the United States alone, many relying on state and local tax incentives. In just five years, these investments could increase global plastic production by a third. As a result, this wave of investment will increase pollution risks to frontline communities – communities closest to these facilities – throughout the plastics supply chain. They will also undermine efforts by cities, countries, and the global community to combat the growing plastics crisis, and exacerbate the growing climate crisis.

In 2019 alone, the production and incineration of plastic will add more than 850 million metric tons of greenhouse gases to the atmosphere – equal to the pollution from 189 new 500-megawatt coal-fired power plants. If plastic production and use grow as currently planned, by 2030, these emissions could reach 1.34 billion tons per year – equivalent to the emissions released by more than 295 new 500-megawatt coal-fired power plants.

We Must Act Now, and Act Boldly

All of this is placing a tremendous strain on our environment and on our budgets. Wildlife and sea creatures are suffering and dying from ingesting plastic products or getting entangled in them. Plastic, which does not biodegrade, is breaking down into microplastics that are contaminating our food, water and air. A growing body of research is finding plastic and associated toxins throughout the food web, including in our blood, feces, and tissues. Exposure to these toxins has been linked to cancers, birth defects, impaired immunity, endocrine disruption, and other ailments. With local governments spending billions of dollars to manage plastic waste and prevent it from entering our rivers, streams, oceans and landscapes, citizens are being hit by the impacts of plastic pollution from all ends.

The time has come to truly address this massive crisis. Countries are working together across the world to reduce plastic production and handle their waste efficiently. Here in the United States, state and local governments are implementing policies to reduce unnecessary plastic products and shift responsibility to producers for managing their waste. Many businesses are already leading the way with investments in reusable packaging and increased recycled content of their products.

It's time for **national leadership** and a **comprehensive strategy** to steer the country in the right direction. The Break Free from Plastic Pollution Act is the bold action we need to tackle this crisis head-on.

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Bill Summary

The **Break Free From Plastic Pollution Act** will:

Require Product Producers to Take Responsibility for Collecting and Recycling Waste:

- The bill requires producers of covered products (packaging, containers, food service products and paper) to design, manage, and finance programs to collect and process product waste that would normally burden state and local governments. The legislation will encourage producers to cooperate with those who produce similar products through Producer Responsibility Organizations (PRO) to take responsibility for their waste and implement cleanup programs with Environmental Protection Agency (EPA) approval.
- Producers will invest in U.S. domestic recycling and composting infrastructure, cover the costs of waste management and clean-up, and promote awareness-raising measures to reduce waste.

Create Nationwide Beverage Container Refunds:

- The legislation will incentivize consumers to recycle by creating a 10-cent national refund program for all beverage containers, regardless of material, to be refunded to customers when they return containers.
- Any unclaimed refunds will go to beverage producers to supplement investments in nationwide collection and recycling infrastructure. This legislation encourages states that have already implemented similar initiatives to continue their current systems if they match the federal requirements.

Source Reduction and Phase-Out Top Polluting Products:

- Beginning in January 2022, some of the most common single-use plastic products that pollute our environment, cannot be recycled, and have readily-available alternatives will be source reduced and phased out from sale and distribution. The prohibitions will apply to lightweight plastic carryout bags, food and drinkware from expanded polystyrene, plastic stirrers and plastic utensils. Straws will only be available upon request.

Carryout Bag Fee:

- The legislation would impose a fee on the distribution of carryout bags.
- The bill allows retailers who implement a reusable bag credit program to retain the fee to finance the program. Fees collected from retailers without a bag credit program will fund public access to reusable bags as well as litter clean up and recycling infrastructure.

Create a Minimum Recycled Content Requirement:

- The bill requires plastic beverage containers to include an increasing percentage of recycled content in their products before entering the market. Informed by a feasibility study by the National Institute of Standards and Technology, the EPA will also phase in new requirements for producers to manufacture containers from recycled content. The recycled content requirements will steadily increase over time.

Standardize Recycling and Composting:

- The EPA will develop standardized recycling and composting labels for products and receptacles to encourage proper sorting and disposal of items that can be recycled or composted.

Review Effects of Plastic Tobacco Filters, Electronic Cigarettes and Derelict Fishing Gear:

- Following studies on the environmental impacts of plastic tobacco filters, electronic cigarette parts and derelict fishing gear, the relevant agencies will propose measures to reduce those environmental impacts.

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

- The United States has exported plastic waste, scrap, and pairings to developing countries with the claim that the material would be recycled. However, the majority of this material has instead fueled the global plastic pollution crisis by overburdening countries with already strained waste management systems.
- The bill prevents the export of plastic waste, scrap and pairings to countries that are not part of the Organization for Economic Co-operation and Development (OECD), many of whom have been a major source of ocean plastic pollution due to their inability to manage the waste. The bill also requires that the United States receive consent from countries receiving the waste before it is exported.

Protect Existing State Action:

- The bill protects the ability of state and local governments to enact more stringent standards, requirements, and additional product bans.

Temporarily Pause New Plastic Facilities:

- The legislation gives environmental agencies the valuable time needed to investigate the cumulative impacts of new and expanded plastic-producing facilities on the air, water, climate, and communities before issuing new permits to increase plastic production. The legislation would also update EPA regulations to eliminate factory-produced plastic pollution in waterways and direct the EPA to update existing Clean Air and Clean Water Act emission and discharge standards to ensure that plastic-producing facilities integrate the latest technology to prevent further pollution.



Supporting Organizations

Organizations That Support This Bill Include:

American Bird Conservancy
American Sustainable Business Council
Association of University Centers on Disabilities
Beyond Plastic
Captain Planet Foundation
Center for Biological Diversity
Center for International Environmental Law
Conservation Law Foundation
Container Recycling Institute
Earthjustice
Environment America
Environment and Human Health Inc.
Global Alliance for Incinerator Alternatives (GAIA)
Green America
GreenLatinos
Greenpeace
League of Conservation Voters
National Stewardship Action Council
National Wildlife Federation
Natural Resources Defense Council
Ocean Conservancy
Oceana
Plastic Pollution Coalition
Recycle Across America
Sierra Club
Surfrider
Turner Foundation
U.S. Green Chamber
U.S. Public Interest Research Group (PIRG)
World Wildlife Fund

Find a letter endorsing the Break Free From Plastic Pollution Act of 2020 signed by over 500 organizations [here](#).

Environmental Advocates Hail Udall and Lowenthal’s Break Free From Plastic Pollution Act as Bold Action to Release Our Environment from the Chokehold of Plastic Pollution

“The plastics industry has polluted our environment, refused to give consumers plastic-free choices, and is instead ramping up plastic production, so it’s now time for federal action. Sen. Udall and Rep. Lowenthal’s Break Free From Plastic Pollution Act will reduce the single-use plastics flowing into our ocean, choking marine life and even getting into our food. Reversing the damage we’ve done to the only planet we have will require unprecedented efforts, and the United States has a responsibility to lead that charge.”

— *Ted Danson, actor, activist and Oceana board member*

“Single-use plastics are propping up the fossil fuel industry, polluting our waters, and creating enormous amounts of waste all which contribute to our climate crisis. Senator Udall, Representative Lowenthal, and their colleagues are laying the groundwork for an ambitious new path for Congress to tackle this massive problem and we stand with the broad coalition of stakeholders supporting this initiative.”

— *Gina McCarthy, President and CEO, Natural Resources Defense Council*

“Senator Udall and Congressman Lowenthal have crafted a comprehensive, ambitious piece of legislation that proposes bold solutions – from banning unnecessary single-use plastics to implementing extended producer responsibility to incentivizing recycling – to turn the tide on ocean plastics. The health of our ocean and the economies, communities and wildlife that depend on it are at stake. This bill shows visionary leadership in meeting the ocean plastics challenge head-on, and Ocean Conservancy is proud to endorse it.”

— *Janis Searles Jones, CEO of Ocean Conservancy*

“We commend Sen. Tom Udall and Rep. Lowenthal for the Break Free From Plastic Pollution Act. Our overreliance on plastics is bad for our health, air quality, the climate, local waterways, and the oceans, and particularly for those low-wealth communities and communities of color who bear the brunt of air, water, and climate pollution from their fossil fueled production. Nothing we use for a minute should pollute our environment for hundreds of years. It’s time for us to reduce the use of plastics, increase recycling, and maximize the use of recycled materials.”

— *Matthew Davis, Legislative Director for the League of Conservation Voters*

"This legislation is a game-changer because it comprehensively tackles the issue of single-use plastics. For too long, corporations have diverted blame for the plastic pollution crisis they have created. They have told us that if we just recycle more or participate in beach cleanups that we can turn this around. That has not worked. It is time to end our reliance on single-use plastics and prevent petrochemical companies from locking us into decades of additional plastic production."

— *Kate Melges, Greenpeace USA Plastics Campaigner*

“Plastic pollution is a public health crisis impacting frontline communities of color along every part of the production chain. We applaud the leadership of Congressman Lowenthal and Senator Udall to ensure that we prioritize the health of our air, water, climate and communities and investigate the impacts of new and expanded plastic-producing facilities.”

— *Jessica Loya, Director of Policy & Programs, GreenLatinos.*

“Our planet is inundated with plastic pollution, and yet we continue to make more plastic each year, harming our environment and ourselves. Finally, we have a Federal bill that offers real solutions, drawing from successful ordinances across the globe. This bill addresses our problem at the source, by reducing the amount of disposable plastic we use, and encouraging a shift towards better and reusable materials. At this moment, it is exactly what we need.”

— *Alex Truelove, Zero Waste Director, U.S. Public Interest Research Group*

“The Break Free From Plastic Pollution Act will provide the capital and incentives we need to reduce unnecessary waste and work toward a truly circular economy,” “We need solutions that provide equity to consumers, stop the unchecked leakage of waste, and capture the true value of recycled content. This legislation sets a new level of ambition that will help drive those solutions.”

— *Roberta Elias, director of policy for the World Wildlife Fund*

“The Center for International Environmental Law (CIEL) is proud to support the most ambitious proposal to deal with plastic pollution ever introduced in the United States. Plastic is a crisis not only for our oceans, but also for our health, our communities, and our climate. Impacts occur at every stage of the plastic life cycle, from production and manufacturing, to use, disposal, and contamination in the environment. The Break Free From Plastic Pollution Act addresses the whole life cycle of plastic and provides a comprehensive approach to the crisis of plastic proliferation. By avoiding false solutions this legislation provides the United States with a roadmap to a more just and sustainable future. We commend Senator Udall and Representative Lowenthal for their leadership on this critical issue.”

— *Steven Feit, Climate and Energy Program, Center for International Environmental Law*

“The Association of University Centers on Disabilities (AUCD) is aware of the ways that our global environmental challenges may disproportionately affect people with disabilities. At the same time, we are aware the changes in production and practice could impact access to items that have made our communities more accessible and are in some cases part of what makes life itself possible. We appreciate the commitment of Senator Udall and Representative Lowenthal to work closely with the disability community as they lead efforts to address plastic pollution. AUCD supports the Break Free From Plastic Pollution Act of 2020 and its commitment to address the pressing global climate challenges while protecting the rights to community for people with disabilities.”

— *Rylin Rodgers, Policy Director, Association of University Centers on Disabilities*

“We commend Sen. Udall and Rep. Lowenthal on their commitment to source reduction of plastic pollution in the Break Free From Plastic Pollution Act. The bill draws upon successful policies from across the U.S. and around the world to create one very comprehensive bill that focuses on source reduction of certain problematic plastic products, such as bags, straws, and foam. It also emphasizes important bigger picture ideas, namely Extended Producer Responsibility (EPR) and a pause on new permits for plastic production facilities. We appreciate the inclusive process that they undertook in drafting this bill, gathering input from subject matter experts, including Surfrider Foundation, and circulating drafts for comment.”

— *Jennie Romer, Legal Associate for The Surfrider Foundation’s Plastic Pollution Initiative*

“This is the single most important bill ever introduced in Congress on plastic pollution. Unlike other bills, it advances the most logical and cost-effective approaches to tackling the urgent problems posed by plastic pollution. By promoting policies that will reduce the amount of plastics being produced and littered, the Break Free From Plastic Pollution Act will address the problem at the source rather than a soggy band-aid approach that attempts to capture the pollution after it has entered our treasured rivers and ocean.”

— *Judith Enck, former EPA Regional Administrator and founder of Beyond Plastics.*

“It’s high time the United States demands more than just recycling commitments to counter what has become one of the greatest threats to our oceans. The Break Free From Plastic Pollution Act would finally tackle the plastic pollution crisis at its source by reducing the amount of single-use plastic produced in the first place, and encouraging a corporate and societal shift to refillable and reusable alternatives. Without federal action, the plastics industry will continue to pump skyrocketing amounts of single-use plastic into the market, leaving taxpayers and local governments with the impossible task of cleaning up the mess. We applaud Sen. Udall and Rep. Lowenthal on their leadership in protecting our oceans and our future by addressing the plastics crisis with real solutions that our country, and our world, so desperately need now, before it’s too late.”

— *Jacqueline Savitz, Chief Policy Officer of Oceana*

“We are pleased to support the Udall/Lowenthal bill because it provides much-needed reforms to our recycling system, and more importantly, it’s the first federal bill that focuses on reducing plastic, not just managing it. We can no longer continue with a ‘business-as-usual’ approach to plastic that relies a recycling system that dumps and burns our trash in communities of color both at home and abroad. While US policy focuses on a never-ending expansion of oil and gas for products we don’t need, Europe has already passed bold policy to shrink their plastic footprints and China just announced it will ban single use plastics in 2020. It’s not just time for the US to catch up, it’s an opportunity for the U.S. to reclaim leadership. This bill is a step in the right direction.”

— *Denise Patel, US & Canada Program Director, Global Alliance for Incinerator Alternatives (GALA)*

“Environment and Human Health, Inc. (EHHI) is a science-based nonprofit organization of physicians and public health professionals dedicated to reducing environmental harms to human health. Because of the growing body of scientific research that shows that plastics are having an impact on human health, EHHI strongly supports the Udall/Lowenthal Plastic Pollution Bill. Two groups of chemicals in plastics are of special concern: phthalates and bisphenols. These chemicals are used respectively to soften plastics and to harden them. Both chemicals cause health problems, including: endocrine disruption, diabetes, cancer, obesity, ADHD and heart problems, and they can do this at low doses. As with other chemicals, they may present an increased risk to infants and children. Because of these harms, and because this legislation will reduce national use of plastic, EHHI strongly supports the Udall/Lowenthal Plastic Pollution Bill.”

— *Patricia Taylor, Director of the Plastics Project, Environment and Human Health, Inc.*

“If you want to stop a bathtub from overflowing, you have to turn off the tap. Right now, our rivers and oceans are filling with plastic waste, and whales, sea turtles and other marine wildlife are suffering, if not dying, as a result. The Break Free From Plastic Pollution Act outlines the first comprehensive federal plan to turn off the ‘plastic pollution tap.’ We need this kind of groundbreaking legislation to put wildlife over waste.”

— *Steve Blackledge, Senior Director, Conservation America Campaign, Environment America*

“This bill would bring meaningful change for our communities and our ocean by reducing single-use plastics at the source—before they make their way into waterways and harm marine wildlife—and considering environmental justice in the legislation.”

— *Dr. Erin Meyer, Director of Conservation Programs and Partnerships, Seattle Aquarium*

“It’s exciting that the conversation about plastics is moving beyond what consumers can do and is starting to address the problem at its source, which means including plastic producers as part of the solution.”

— *Vikki Spruill, President and CEO, New England Aquarium*

“This legislation takes a common-sense approach to a serious problem, the improper disposal and inadequate labeling of single-use wet wipes. Providing consumers with basic information on how to dispose of single-use wipes made with plastic and synthetic content is a reasonable solution for managing this unique and challenging source of plastic pollution and protecting our clean water infrastructure. We applaud Representative Lowenthal and Senator Udall on taking decisive action to address plastic pollution at its source, and look forward to working with his office to ensure proper labeling of wet wipes as this legislation progresses.”

— *Adam Link, Executive Director, California Association of Sanitation Agencies*

“We are hearing from everyone, especially our youth, that we have to stop kicking the can down the road. We need to address these two big issues now: plastic pollution and the recycling crisis.”

— *Heather Trim, Executive Director of Zero Waste Washington*



Section By Section Summary

SEC. 2. PRODUCER RESPONSIBILITY FOR PRODUCTS AND PACKAGING

Subtitle K—Producer Responsibility for Products and Packaging

PART I—PRODUCTS IN THE MARKETPLACE

- SEC. 12101. EXTENDED PRODUCER RESPONSIBILITY.

Extended producer responsibility (EPR) is a policy highlighting a product producer's responsibility for the post-consumer management of its products and its packaging.

This includes (1) shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector; and (2) providing incentives to producers to incorporate environmental considerations into the design of their products and packaging. Battery take-back programs are a commonly known form of EPR.

Producers with annual revenues greater than \$1 million or who produce more than 1 ton of covered products will be required to design, manage, and finance programs to collect and process waste that would normally burden state and local governments.

Producers will cover the costs of waste management and clean-up, as well as awareness raising measures for covered products, which include packaging, containers, paper, and food-service products, regardless of the recyclability, compostability, and type of material (including plastic, paper, glass, metal, etc.).

- SEC. 12102. PRODUCER RESPONSIBILITY ORGANIZATIONS.

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

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

Advisory committees made up from a wide variety of interested stakeholders will advise the PRO on the impacts and effectiveness of their programs.

- SEC. 12103. COVERED PRODUCT MANAGEMENT

Producer Responsibility Organizations will replace local government responsibility for the collection and management of covered product waste, recycling and composting.

- SEC. 12104. NATIONAL BEVERAGE CONTAINER PROGRAM

Producers of beverages sold in beverage containers of any material, including plastic, metal and glass, will be required to include a minimum 10 cent refund price on each beverage container.

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

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

- SEC. 12105. PRODUCT STEWARDSHIP PLANS.

Producer Responsibility Organizations (PRO) will be required to develop EPA-approved Product Stewardship Plans that will be good for five years before they have to be renewed. The Product Stewardship Plan will detail how each PRO will meet the minimum required performance targets for covered products.

The targets are set out as follows:

Product Type	By 2028	By 2033
All covered products except for paper	65% reused or recycled	80% reused or recycled
Beverage Containers and Paper	75% recycled	90% recycled
Industrially composted covered products	50% composted	70% composted

- SEC. 12106. OUTREACH AND EDUCATION.

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

- SEC. 12107. REPORTING.

Producer Responsibility Organizations (PRO) will be required to make publicly available reporting on the effectiveness of their programs, including: the amount of products being sold in the United States; the management of those products, including recycling rates; data on the final destination of products; collection service vendors and locations; and others.

The EPA will be required to audit collection and recycling to account for waste from free riders and other entities who are not a part of a PRO.

EPA will also prepare reports describing the impacts of these programs on state and local governments, including costs incurred and reductions in state and local taxes that result from a reduction in costs due to PRO services.

PART II—REDUCTION OF SINGLE-USE PRODUCTS

- **SEC. 12201. PROHIBITION ON SINGLE-USE PLASTIC CARRYOUT BAGS.**

Beginning on January 1, 2022, covered retail and service establishments will be prohibited from providing plastic carry-out bags.

Exclusions will be made for bags used within an establishment to package bulk items, such as fruit, vegetables, and other similar items. Other exclusions will be permitted for garbage and pet waste bags.

All other non-plastic carryout bags will be taxed in section 3.

- **SEC. 12202. REDUCTION OF OTHER SINGLE-USE PRODUCTS.**

Beginning on January 1, 2022, covered retail and service establishments will be prohibited from providing plastic utensils. Plastic straws and alternatives to plastic utensils, including compostable utensils, will be available only upon request.

Also beginning on January 1, 2022, the Administrator will prohibit the following items:

- Expanded polystyrene (commonly known as plastic foam) for use in food service products, disposable consumer coolers, and shipping packaging. (There will be an exclusion for medical coolers.);
- Single-use mini-shampoo, soap and lotion provided by hotels and motels; and
- Non-compostable produce stickers.

- **SEC. 12203. STUDY AND ACTION ON PLASTIC TOBACCO FILTERS AND ELECTRONIC CIGARETTES.**

Not later than 2 years after the date of enactment, the Administrator, in conjunction with the National Institutes of Health, shall conduct a study on the environmental impacts and effectiveness of plastic tobacco filters and electronic cigarettes. Upon completion, the Administrator shall report to Congress the findings and detail steps that the EPA will take to reduce litter and the environmental impacts of these products.

PART III—RECYCLING AND COMPOSTING

- **SEC. 12301. RECYCLING AND COMPOSTING COLLECTION.**

The Administrator, in consultation with Producer Responsibility Organizations, State & local governments, and affected stakeholders, shall issue guidance to standardize recycling and composting collection across communities and States.

- SEC. 12302. REQUIREMENTS FOR THE PRODUCTION OF PRODUCTS CONTAINING RECYCLED CONTENT.

Post-consumer recycled content will be incorporated into new **plastic** beverage bottles on the following schedule:

Date	Post-Consumer Recycled Content Requirement
2025	25%
2030	30%
2035	50%
2040	80%

For other covered products and beverage containers from other materials, the Administrator will coordinate with the National Institutes of Standards and Technology and other relevant federal agencies to study technical and safe minimum post-consumer recycled content standards and publish a report. Following the report, the Administrator will take action to implement minimum standards for those products and beverage containers.

- SEC. 12303. DESIGNING FOR THE ENVIRONMENT.

Producers will be required to design their products to minimize the impacts of extraction, manufacture, use and end-of-life management.

- SEC. 12304. PRODUCT LABELING.

Producers will be required to include labels on their products that are easy to read and indicate whether the product is recyclable, not recyclable, compostable, or reusable. Products that are not recyclable shall not include confusing symbols, such as the universal chasing arrow symbol.

- SEC. 12305. RECYCLING AND COMPOSTING RECEPTACLE LABELING.

The EPA will develop guidelines for a national standardized recycling and composting labeling system for Producer Responsibility Organizations to use in public places on recycling and composting receptacles.

- SEC. 12306. PROHIBITION ON CERTAIN EXPORTS OF WASTE.

Plastic waste, plastic pairings and plastic scrap will be prohibited from being exported to any country not a member of the Organization for Economic Co-operation and Development (OECD). Any plastic waste, plastic pairings and plastic scrap that is exported to an OECD country must have prior informed consent and may not include contamination levels, that disrupt the ability to recycle those wastes or hazardous or toxic substances.

PART IV—LOCAL GOVERNMENT EFFORTS

- SEC. 12401. PROTECTION OF LOCAL GOVERNMENTS.

Nothing in this Act will prevent a local government from imposing stronger requirements, including higher bag fees or higher reuse/recycling/composting/collection targets.

- SEC. 12402. CLEAN COMMUNITIES PROGRAM.

The EPA will create program known as the ‘Clean Communities Program’, under which the Administrator shall leverage smart technology and social media to provide technical assistance to units of local government in cost-effectively identifying concentrated areas of pollution in that unit of local government and implementing source reduction solutions.

PART V—FISHING GEAR

- SEC. 12501. STUDY AND ACTION ON DERELICT FISHING GEAR.

Two years after the date of the enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress a report that includes an analysis of the scale of fishing gear losses by domestic and foreign fisheries, an evaluation of the ecological, human health, and maritime safety impacts of derelict fishing gear, and how those impacts vary, and recommendations on management measures. On submission of the report, the Under Secretary shall publish in the Federal Register for public comment the report and a description of the actions the Under Secretary intends to take during the 1-year period after the date of publication to reduce litter from, and the environmental impacts of, derelict fishing gear.

SEC. 3. IMPOSITION OF TAX ON CARRYOUT BAGS

Subchapter D—Carryout Bags

- SEC. 4056. IMPOSITION OF TAX

All retailers, including those who sell food and consumer goods, will be required to charge a 10-cent tax on any carry-out bag. States or local governments that implement or have implemented a similar charge, may seek a waiver. Retailers may keep 4 cents of the tax to offset the cost of more expensive carryout bags. Retailers who offer a carryout bag credit program (sec. 6431) will be allowed to retain the entire 10 cent tax. Funds collected from the tax will be deposited in the Recycling and Litter Cleanup Trust Fund (sec. 9512)

- SEC. 6431. CARRYOUT BAG CREDIT PROGRAM.

Retailers who offer a 5-cent credit program to customers for each reusable bag they bring to the store will be allowed to retain the entire 10 cent tax. Retailers must prominently advertise their program at the check-out and at all entrances.

- SEC. 9512. RECYCLING AND LITTER CLEANUP TRUST FUND.

The fund will be created and funded from the carryout bag tax. Funds will be distributed to make grants for distributing reusable carryout bags and for recycling, reuse and composting infrastructure investment grants.

The Comptroller General of the United States will conduct a study on the effectiveness of the carryout bag programs and report back to Congress.

SEC. 4. CLEAN AIR, CLEAN WATER, AND ENVIRONMENTAL JUSTICE

- **A temporary pause of up to three years** will be put on the permitting of new and expanded industrial facilities that create new plastic or convert plastic into chemical feedstocks for new products or fuel.
- The EPA will use the pause period to update needed regulations on these facilities to ensure minimal air and water discharges. Some of these regulations need updating while others are not in existence, such as prohibiting the discharge of plastic pellets from facilities directly into bodies of water.
- EPA action should be informed by a required study on environmental and health impacts of the facilities as well as best available technologies and practices.