

Congress of the United States

Washington, DC 20515

February 9, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan:

We are writing to encourage the Environmental Protection Agency (EPA) to expand its current efforts to address the plastic production crisis. Plastic production harms our communities and fuels the climate crisis in addition to the harmful downstream impacts of inadequately managed plastic waste. We need bold action to protect our communities and our climate from plastics, and we must do this by looking upstream to the plastic production stage. This is essential to advancing EPA's environmental justice priorities as predominantly lower income communities and communities of color suffer the brunt of toxic air and water emissions from plastic production.

As our transportation, energy, and industrial sectors transition to clean energy, the oil and gas industry is doubling down on petrochemicals and plastics, with plans to substantially expand production in the United States. These new facilities will release toxic pollutants that will further disproportionately impact the communities living in and around these areas as well as additional greenhouse gas emissions that contribute to climate change.

While recycling is important, recycling alone will not get us out of this crisis, especially with misguided solutions like chemical recycling. As you know, in the Fiscal Year 2023 Omnibus bill, Congress encouraged EPA to consider the emissions, disproportionate impacts, and lack of circularity in its ongoing rulemaking on the regulatory treatment of gasification and pyrolysis units and to continue regulating these technologies as municipal waste combustion units defined under the Clean Air Act Section 129. As stated in by several of us in a July 14, 2022 letter to your agency, we urge EPA to continue regulating these units under Section 129 to protect the most vulnerable communities from the burden of existing facilities, and to prioritize solutions that actually reduce our dependence on single-use plastics.

Additionally, in the 117th Congress, several of us introduced the Protecting Communities from Plastics Act (H.R. 9388/S. 5163), which would tackle the plastic production crisis head on, addressing the harmful climate and environmental justice impacts of this growing fossil fuel sector and moving our economy away from an overreliance on single use plastic. Many of the provisions of this bill can be implemented by EPA now, without further Congressional action.


We applaud you for already taking important actions to address the impacts of plastic. EPA's proposed rulemaking under the Toxic Release Inventory Program to require industries to report the release of 12 chemicals used in a variety of processes, including plastic production, is an encouraging sign. In the face of ongoing international discussions to negotiate a legally binding instrument to address plastic pollution, it is more important now than ever for the U.S. to show leadership and ambition in the fight against plastic production and pollution.

To that end, we urge your agency to take the following actions to protect our communities, climate, and our environment from plastic production and pollution:

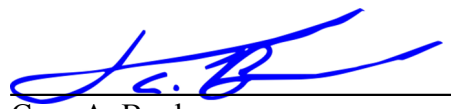
- Create new nationwide targets for single-use plastic source reduction and reuse/refill requirements in the packaging and food service sectors.¹
- Incentivize the expansion of reusable and refillable systems across the country, prioritizing overburdened communities through agency grant making and public-private partnerships.
- Expand the definition of covered facilities under the Solid Waste Disposal Act (as defined in the Protecting Communities from Plastics Act) to be monitored by EPA.
- Affirm the Agency’s treatment of plastic waste as “waste” under the Resource Conservation Recovery Act.
- Reject the Trump EPA’s proposal to remove pyrolysis and gasification from the definition of incinerators under section 129 of the Clean Air Act.
- Remove harmful chemical recycling technologies from the National Recycling Strategy.
- Require financial assurance requirements for new or expanded covered facilities (as defined in the Protecting Communities from Plastics Act, Section 4 (a)(3)) as a condition to receiving Clean Air Act or Clean Water Act permits.
- Initiate a rulemaking under TSCA to review the entire petrochemical industry, from their facilities to specific chemicals used, to understand how these chemicals, alone or mixed, impact human health.
- Establish and lead a microplastics pilot program to test the efficacy and cost effectiveness of tools, technologies, and techniques to prevent the release of microplastics into the environment and to remove existing microplastics without causing additional harm to the environment.

These actions would show that the United States is taking steps to meaningfully reduce plastic production and pollution, tackling the dual climate and environmental justice impacts of this challenge. We applaud EPA’s continued leadership on this issue and stand ready to support you in setting ambitious plastic reduction policies, prioritizing our communities and our climate goals.

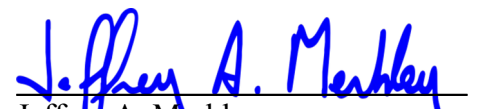
Sincerely,



Jared Huffman
Member of Congress



Cory A. Booker
United States Senator



Jeffrey A. Merkley
United States Senator

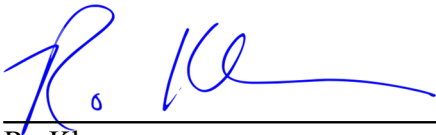
¹ These targets could build on the single-use plastic source reduction and reuse mandates established in California through the passage of [SB 54](#).



Emanuel Cleaver, II
Member of Congress



Rashida Tlaib
Member of Congress



Ro Khanna
Member of Congress



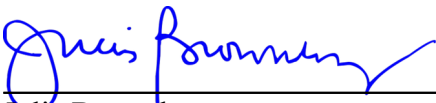
Raúl M. Grijalva
Member of Congress



Mark Takano
Member of Congress



Ted W. Lieu
Member of Congress



Julia Brownley
Member of Congress



Eleanor Holmes Norton
Member of Congress



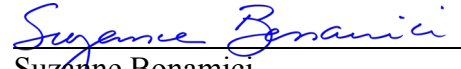
Adriano Espaillat
Member of Congress



Sean Casten
Member of Congress



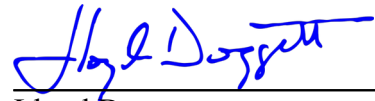
Jerrold Nadler
Member of Congress



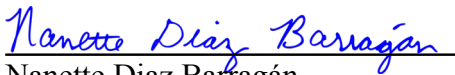
Suzanne Bonamici
Member of Congress



Mike Quigley
Member of Congress



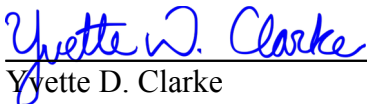
Lloyd Doggett
Member of Congress




Nanette Diaz Barragán
Member of Congress



Mike Levin
Member of Congress



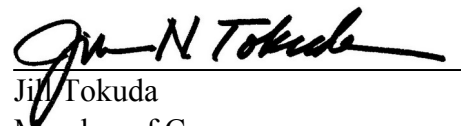
Yvette D. Clarke
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James P. McGovern
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Jim Tokuda
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Dianne Feinstein
United States Senator



Mark DeSaulnier
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Chris Van Hollen
United States Senator



Glenn Ivey
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Earl Blumenauer
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Jamie Raskin
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Kathy Castor
Member of Congress



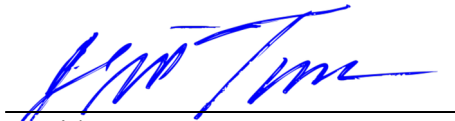
Richard J. Durbin
United States Senator



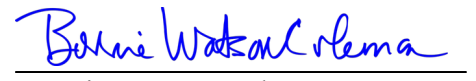
Mikie Sherrill
Member of Congress



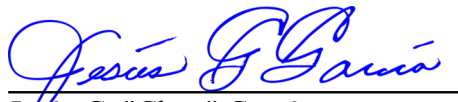
Jamaal Bowman, Ed.D.
Member of Congress




David J. Trone
Member of Congress



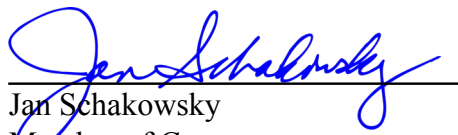
Bonnie Watson Coleman
Member of Congress



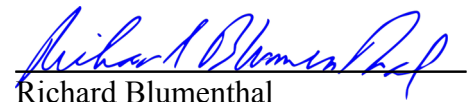
Jesús G. "Chuy" García
Member of Congress




Barbara Lee
Member of Congress



Jan Schakowsky
Member of Congress



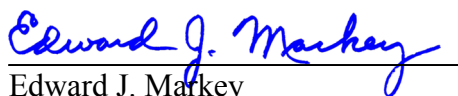
Richard Blumenthal
United States Senator



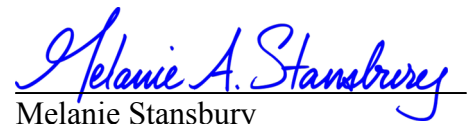
Sara Jacobs
Member of Congress




Kirsten Gillibrand
United States Senator



Edward J. Markey
United States Senator




Melanie Stansbury
Member of Congress



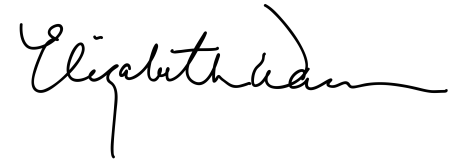
Grace Meng
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Katie Porter
Member of Congress



Ed Case
Member of Congress



Elizabeth Warren
United States Senator



Cori Bush
Member of Congress

Cc: The Honorable Brenda Mallory, Council on Environmental Quality
Cc: The Honorable Antony Blinken, Department of State