

Protecting Communities from Plastic Act

Draft Section by Section

SECTION 1. SHORT TITLE

SECTION 2. FINDINGS

- Findings highlight the connection between plastics and the petrochemical industry, our climate crisis, and environmental injustice.

SECTION 3. DEFINITIONS

- “Plastic” is defined as a synthetic or semisynthetic material that is synthesized by polymerization of organic substances that can be shaped into rigid and flexible forms, including coatings and adhesives; the definition does not include natural rubber or naturally occurring polymers like proteins or starches.
- The bill defines “reusable, refillable, reuse, and refill”, with respect to packaging and food service ware that is reused or refilled by a producer or by a consumer, as explicitly designed for repeated usage and durability, without containing potentially harmful chemical substances, supported by adequate reuse and refill infrastructure, and repeatedly recovered, inspected, and reissued into the supply chain for reuse or refill.
- “Single-use plastic” is defined as plastic products or packaging that are routinely disposed of, recycled, or otherwise discarded after a single use, or that are not capable of or intended to be reused or refilled.

SECTION 4. ENVIRONMENTAL JUSTICE PROTECTIONS AT COVERED FACILITIES

This section builds upon the strong environmental justice protections in Section 4 of BFFPPA.

- Expands the definition of “covered facilities” from BFFPPA to include facilities that transform ethylene and propylene into other chemicals for later conversion into plastics, and facilities that convert plastic polymers into chemical feedstocks, defines “covered product” as a range of chemical feedstocks and raw plastic materials involved in the production of plastic, and defines a series of environmental justice-related terms to help ensure adequate public involvement and participation in permitting decisions for covered facilities.
- Requires the National Academy of Sciences and the National Institutes of Health to conduct a study on the direct and cumulative environmental and health impacts of the facilities, as well as best available technologies and practices to remediate or eliminate impacts. This study will inform subsequent EPA actions established in the remainder of this section.
- Establishes a temporary pause on the permitting of new and expanded industrial facilities that create new plastic, convert plastic into chemical feedstocks for new products or fuel, or burn or incinerate plastics for fuel or energy.
- Directs EPA to use the pause period to make needed updates to regulations for covered facilities to ensure minimal air and water discharges to protect communities from direct

and cumulative health, environmental, and economic impacts, including establishing a new cumulative impacts analysis requirement for permitting of covered facilities. EPA will promulgate a rule to ensure that any proposed permit issued under the Clean Air Act or Clean Water Act is accompanied by an environmental justice assessment, is provided to communities at the beginning of the public comment period, and includes extensive community consultation requirements. EPA shall not approve permits unless the permit has been modified to eliminate or mitigate environmental justice impacts, has been developed with meaningful input from impacted communities, and includes a community benefit agreement that has been reached after notification and consultation with the impacted community. Additionally, the Administrator must submit a report to Congress evaluating how states are implementing required environmental justice considerations into their permitting programs under the Clean Air Act and the Clean Water Act.

- Directs EPA to establish an inventory of fossil fuel-derived plastic manufacturing, distribution and commerce, and trade in the United States under the Toxic Substances Control Act (TSCA) with industry reporting requirements. EPA will identify chemicals used in plastic production that may pose a potential risk to human health and the environment and provide a timetable for regulatory action under Section 6 of TSCA and any other recommended actions, including proposed revisions of federal law or regulations, to achieve further reductions in manufacturing or distribution in commerce.
- Directs EPA to initiate a rulemaking to designate PVC as a hazardous waste under the Resource Conservation and Recovery Act.
- Directs EPA to develop and require as a condition of receiving a permit under the Clean Air Act and the Clean Water Act financial assurance requirements for new covered facilities and for existing facilities when they seek renewal of their permit(s).
- Prohibits federal permitting of new covered facilities within 5 miles of a community building or residence.

SECTION 5. FEDERAL SOURCE REDUCTION AND REUSE TARGETS.

This section directs EPA to promulgate regulations establishing a baseline for all single-use plastic packaging and food service ware produced, sold, offered for sale, imported, or distributed in the United States. The Administrator shall also promulgate regulations to establish phased source reduction and reuse targets for all single-use plastic packaging and food service ware produced, sold, offered for sale, imported, or distributed in the United States. The source reduction target must be at least 25% by 2032, and the reuse target must be 30% by 2032.

SECTION 6. ADVANCING REFILLABLE AND REUSABLE SYSTEMS.

Building off new programs and reports proposed in Part V of BFFPPA, with an explicit focus on expanding use of and access to refillable and reusable systems, this section:

- Directs EPA to establish a competitive grant program to fund scalable reuse and refill projects and to prioritize projects that will directly benefit disadvantaged communities. Eligible programs can include expanding reuse and refill programs to replace single-use plastics used in consumer goods industries, expanding consumer knowledge of reuse and refill programs, and installing and expanding access to publicly available water refill stations and sanitation infrastructure to enable safe and hygienic reuse. EPA is also directed to establish a new prize competition, in which all entities awarded grants under

the program will automatically be eligible to participate, to award an additional sum to one recipient to demonstrate the scalability, equity, and community benefits of the project.

- Directs EPA to issue and update every 5 years a publicly available report on feasibility and best practices related to reuse and reusability within the food service, consumer food and beverage, cleaning, and personal care products, and transportation or shipping of wholesale and retail goods sectors. The report will also detail which types of systems are best suited for different scales, methods to ensure equitable distribution of systems in disadvantaged communities, potential job creation opportunities, economic costs and benefits of reuse and refill technologies, the types of government support needed to expand these systems along, and any existing barriers to reuse and refill systems.

SECTION 7. STUDIES; AGENCY DIRECTIVES.

- Directs EPA not to include treatment of plastic waste through pyrolysis, gasification, or similar chemical recycling technologies in its National Recycling Strategy.
- Directs EPA to establish a pilot program to test the efficacy and cost effectiveness of methods to prevent release of microplastics into the environment and remove microplastics from the environment. Tests will include natural and green infrastructure projects as well as mechanical removal and filtration systems. Eligible locations include stormwater, wastewater, and drinking water systems; ports, inland waterways, and other marine environments; and roadways and highways. Following submission of a report to Congress on the pilot program, EPA is directed to initiate a rulemaking to abate microplastics in eligible pilot program locations.
- Directs the FDA to conduct a nationwide study on the presence and sources of microplastics in food and drink products.
- Directs NIH to support research of microplastics in the human body and how such plastic fragments are impacting human health.

SECTION 8. REDUCING SINGLE-USE PLASTICS IN AGRICULTURE

- Directs the Secretary of Agriculture to designate projects to replace on-farm plastic weed barriers with non-plastic, biodegradable alternatives as an eligible agricultural conservation practice or enhancement under the new climate-smart agriculture designation in the Inflation Reduction Act.
- Establishes a new grant program, to be administered by USDA, for farm owners and operators to significantly reduce or eliminate single-use plastics from post-production distribution packaging, prioritizing grants to beginning farmers, veterans, organic and regenerative farmers and socially disadvantaged farmers.